

Final Program Environmental Impact Report (Response to Comments and Clarifications)

General Plan and Downtown Specific Plan Update & 2021–2029 Housing Element Implementation Programs

City of South Pasadena

SCH No. 2018011050

Prepared for | City of South Pasadena
Community Development Department
1414 Mission Street
South Pasadena, California 91030

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September 2023

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SECTION 1.0 INTRODUCTION

In accordance with Section 15088, 15089, and 15132 of the California Environmental Quality Act (CEQA) Guidelines, the City of South Pasadena (City), as the Lead Agency, has prepared this Final Program Environmental Impact Report (PEIR) for the General Plan and Downtown Specific Plan Update & 2021–2029 Housing Element Implementation Programs (Project) (State Clearinghouse [SCH] No. 2018011050). According to Section 15132 of the State CEQA Guidelines, the Final (P)EIR shall consist of:

- a) The draft EIR or a revision of the draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the draft EIR;
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

Accordingly, this Final PEIR constitutes the second part of the PEIR for the Project and is intended to be a companion to the Draft PEIR. The Draft PEIR and technical appendices for the Project constitutes the first part of the PEIR and is hereby incorporated by reference under separate cover.

This Final PEIR document is organized as follows:

Section 1.0 provides a brief introduction to this document and a summary of the public review process.

Section 2.0 provides a list of the parties that commented on the Draft EIR, followed by a copy of each comment letter and the City's responses to each comment received.

Section 3.0 contains revisions and clarifications to the Draft EIR in response to the comments received from all commenting parties, and other minor clarifications.

1.1 PUBLIC REVIEW PROCESS

In compliance with Section 15201 of the State CEQA Guidelines, the City has provided opportunities for the public, organizations, and public agencies to participate in the environmental review process (as discussed below) and/or to provide comments on the Draft PEIR.

The General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs represent the culmination of a comprehensive community outreach and involvement process and incorporates an updated community vision addressing relevant issues facing South Pasadena. The planning process for the General Plan and DTSP Update began in January 2017 and included development of a Project website, public surveys, stakeholder interviews, a lecture series, focus group meetings, pop-up workshops, and charrettes. In addition, the City has complied with the State CEQA Guidelines requirements for providing opportunities for public participation in the environmental review process. Specifically, a Notice of Preparation (NOP) was distributed on January 25, 2018, to federal, State, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and inform agencies and the public of the Project. The City held a scoping meeting for the PEIR on February 5, 2018, at 7:00 PM, at

the South Pasadena Community Room, 1115 El Centro Street. The purpose of the scoping meeting was to receive input on the environmental issues that should be addressed in the PEIR.

A Recirculated NOP (RNOP) reflecting inclusion of the 2021–2029 Housing Element into the Project was distributed on April 20, 2021. The 2021 RNOP was distributed to the same mailing list as the 2018 NOP with additions for those that submitted comments that were not on the mailing list. City staff also e-mailed the RNOP to all parties that signed up for notifications through the City’s webpage for the Project as well as to the Planning Commission and City Council members. The City held a virtual scoping meeting for the PEIR for the General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs on May 3, 2021, at 6:30 PM via Zoom.

For both the 2018 NOP and the 2021 RNOP, the proposed Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the scope of the PEIR. A copy of the NOP and RNOP and comments received are provided in Appendix A-1 and A-2, respectively, of this PEIR. Comments received on both the 2018 NOP and 2021 RNOP are considered in this PEIR. Comments on the 2018 NOP were received from 14 agencies, organizations, and individuals, and are provided in Appendix A-1 of this PEIR. The issues raised by the comment letters are summarized in Table 1-1 in Section 1.0, Introduction, of the Draft PEIR. The NOP and RNOP are on file at the City’s Planning and Community Development Department, 1414 Mission Street, South Pasadena, California 91030.

The Draft PEIR was distributed for public review and comment for the required 45-day public review period that began on July 24, 2023, and ended on September 6, 2023. In compliance with Section 15087(a) of the State CEQA Guidelines, City provided public Notice of Availability (NOA) of the Draft PEIR at the same time it transmitted a Notice of Completion (NOC) to the State Clearinghouse (a division of the Governor’s Office of Planning and Research). The City used several methods to solicit comments on the Draft PEIR. The NOA was distributed to all parties that received the NOP and RNOP and additionally to those who provided comments during the scoping period and were not already on the mailing list. The NOA and Draft PEIR (including technical appendices) were made available on the City’s website and hardcopies of the NOA and Draft PEIR (and appendices) were available for public review during regular business hours at the City of South Pasadena Public Library and South Pasadena Community Development Department. The NOA and Draft PEIR were submitted to the State Clearinghouse for distribution to and review by applicable State agencies and the NOA was filed with the Los Angeles County Registrar-Recorder/County Clerk.

The City received a total of ten comment letters on the Draft PEIR. Of these, there were four letters from agencies and six letters from individuals. One party sent more than one comment letter. All of the comment letters received by the City have been included and individually responded to in this Final PEIR. The Final PEIR also includes minor revisions and clarifications to the Draft PEIR (refer to Section 3.0). The City has reviewed this information and determined that it does not constitute significant new information, and recirculation of the Draft PEIR for further comment (pursuant to Section 15088.5 of the State CEQA Guidelines) is not required. Responses to public agency comments submitted on the Draft PEIR were provided via e-mail to all agencies that submitted comment letters, at least ten days before final action on the Project.

The Planning Commission recommended the certification of the PEIR and approval of the Project to the City Council, as the final decision-making body. The City Council will consider the Project, Draft and Final PEIRs, and all comments received during the CEQA process, including oral commentary received during all public hearings held as part of the City’s decision-making process.

SECTION 2.0 RESPONSES TO COMMENTS

All of the comment letters received by the City have been included and responded to in this Final PEIR. Comments that raise environmental issues have been addressed in these responses. Comments that do not require a response include those that (1) do not address the adequacy or completeness of the Draft PEIR; (2) do not raise substantive environmental/CEQA issues; (3) do not address the proposed project; or (4) request the incorporation of additional information not relevant to environmental issues.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.
- b) The Lead Agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.
- d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 1. Revise the text in the body of the EIR; or
 2. Include marginal notes showing that the information is revised in the response to comments.

This section includes responses to the Draft PEIR comments received by the City. With respect to comments letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. In the process of responding to the comments, there were minor revisions to the text of the Draft PEIR shown in this section and in Section 3.0, Draft PEIR

Clarifications and Revisions, of this Final PEIR. None of the comments or responses constitute “significant new information”, and none of the conditions set forth in Section 15088.5 of the State CEQA Guidelines that would require recirculation of the Draft PEIR has been met. Therefore, this Response to Comments section, along with the Draft PEIR Clarifications and Revisions section, are included as part of this Final PEIR along with the Draft PEIR for consideration by the City Council.

2.1 LIST OF ENVIRONMENTAL IMPACT REPORT COMMENTERS

In accordance with Section 15132 of the State CEQA Guidelines, Table 1 presents a list of the agencies, organizations, and individuals that submitted written comments on the Draft PEIR. The date the comments were received by the City is noted as well as the page number the responses begin for each comment letter. Each written comment letter has been divided into sequential numbered comments (i.e., Letter 1, comments 1.1, 1.2, 1.3) in Section 2.2, Written Comments and City of South Pasadena Responses.

**TABLE 1
 LIST OF COMMENTERS**

No.	Commenter	Date of Correspondence	Follows Page
Agencies			
1	California Department of Fish and Wildlife	September 6, 2023	5
2	California Department of Transportation	August 28, 2023	22
3	Los Angeles County Metropolitan Transportation Authority (Metro)	August 30, 2023	27
4	South Coast Air Quality Management District	September 6, 2023	33
Individuals			
5	Ed Elsner 1	September 6, 2023	41
6	Ed Elsner 2	September 6, 2023	65
7	Mark Gallatin	September 6, 2023	69
8	Clarice and Henry Knapp	September 6, 2023	77
9	Delaine Shane	September 6, 2023	81
10	Doug Yokomizo	August 29, 2023	91

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Comment Letter 1



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

September 6, 2023

Alison Becker
1414 Mission Street
South Pasadena, CA 91030
ABecker@southpasadenaca.gov

Subject: Draft Environmental Impact Report for the South Pasadena General Plan and Downtown Specific Plan & 2021-2029 Housing Element Implementation Programs Projects, SCH #2018011050, City of South Pasadena, Los Angeles County

CDFW

Dear Alison Becker:

The California Department of Fish and Wildlife (CDFW) has reviewed the South Pasadena General Plan and Downtown Specific Plan & 2021-2029 Housing Element Implementation Programs Project (Project) proposed by the City of South Pasadena (City). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

1.1

wildlife.ca.gov

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CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

1.1 cont.

Project Summary

General Site Description: The City of South Pasadena is nearly built out; thus, the majority of plant and animal habitats are located within urban environments with non-native and ornamental landscaping. Other vegetated or otherwise open areas include parks distributed throughout the City, along the Arroyo Seco (drainage feature), and large tracts of vacant land along steep hillsides in residential areas. The Arroyo Seco generally runs from north to south along the northwestern boundary of the City. This portion of the stream is concrete lined with no native substrate. The vegetation along the Arroyo Seco is mostly comprised of ornamental trees, which are located above the manufactured, reinforced banks of the stream.

Objective: The Project includes all actions needed to update the existing (1988) General Plan and (1996) Mission Street Specific Plan (now referred to as the Downtown Specific Plan [DTSP]) and carry out the 2021-2029 Housing Element Implementation Programs. The General Plan and DTSP Update establishes total non-residential development capacity of 430,000 square feet of office and commercial. For the proposed 2021-2029 Housing Element, the City must demonstrate to the State there is zoned capacity for 2,775 dwelling units in compliance with the City's Regional Housing Needs Assessment allocation and the California Department of Housing and Community Development-recommended surplus.

1.2

Location: The City of South Pasadena (City) is located on the western edge of the San Gabriel Valley area of Los Angeles County (County), approximately 5 miles northeast of downtown Los Angeles. The City is surrounded by several municipalities, including the City of Pasadena to the north; the City of San Marino to the east; the City of Alhambra to the south; the City of Los Angeles to the southwest; and the City of Los Angeles neighborhoods, including Garvanza and Highland Park, to the west.

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Comments and Recommendations

CDFW appreciates the effort the City has made to address nesting birds, raptors, and bat species, as mentioned in CDFW comments on the Notice of Preparation of a DEIR. CDFW offers the recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

1.2 cont.

Recommendations

Recommendation #1 – Bat Species: The MND proposes Mitigation Measure 2 to avoid impacts to bats; however, the mitigation measure as proposed may not reduce the Project impacts on bats to less than significant. The California Natural Diversity Database (CNDDDB) indicates special status bat species that may be found in the Project area include hoary bat (*Lasiurus cinereus*) and western mastiff bat (*Eumops perotis californicus*). The NOP has also indicated other bat species found in the Project area include the canyon bat (*Parastrellus hesperus*) and the Yuma bat (*Myotis yumanensis*). CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:

Trimming or removal activities of mature or significant trees will be conducted between August 16 and October 1 and February 28, outside of the breeding season for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, a qualified bat specialist should conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species and to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species-specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation

1.3

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Keep what was
struck out

~~removal at or near locations of roosting habitat for bats. a qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest or bat maternity roost. If either roosts are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy"~~

1.3 cont.

Recommendation #2 – Biological Assessment: The MND proposes Mitigation Measure 4 to avoid impacts to naturally vegetated areas, including the Arroyo Seco drainage corridor. As stated in the DEIR on page 3.3-1, "many native trees exist including coast live oaks (*Quercus agrifolia*) and western sycamores (*Platanus racemosa*)." However, the mitigation measure, as proposed, may not biologically assess a site as fully as possible. CDFW recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:

"If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. ~~and~~ Analysis should provide recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project level impacts are not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels. Biological Assessments should include the following information.

1.4

a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are

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rare or unique to the region [CEQA Guidelines, § 15125(c)]. The CEQA document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023a).

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site.
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)].
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential

1.4 cont.

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effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.

f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases."

1.4 cont.

Recommendation #3 – Updating the California Natural Diversity Database: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023c). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023d).

1.5

Recommendation #4 – Rodenticides: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

1.6

Recommendation #5 – Mitigation Measures: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible

1.7



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party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

1.7 cont.

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of South Pasadena in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW looks forward to reviewing an ensuing Project-related environmental document. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

1.8

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento

OPR
State Clearinghouse – State.Clearinghouse@opr.ca.gov

References:

[Cal-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from: <https://www.cal-ipc.org/plants/inventory/>

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and

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Sensitive Natural Communities. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

[CDFW] California Department of Fish and Wildlife. 2023a. Natural Communities. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

[CDFW] California Department of Fish and Wildlife. 2023b. Survey and Monitoring Protocols and Guidelines. Available at: <https://wildlife.ca.gov/conservation/survey-protocols>

[CDFW] California Department of Fish and Wildlife. 2023c. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

[CDFW] California Department of Fish and Wildlife. 2023d. Combined Rapid Assessment and Releve Form. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			Responsible Party
Mitigation Measure (MM) or Recommendation (REC)	Timing		
<p>REC-1 -Bats</p> <p>The MND proposes Mitigation Measure 2 to avoid impacts to bats; however, the mitigation measure as proposed may not reduce the Project impacts on bats to less than significant. CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:</p> <p>"Trimming or removal activities of mature or significant trees will be conducted between August 16 <u>October 1</u> and February 28, outside of the breeding season for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, <u>a qualified bat specialist should conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species and to</u></p>	<p>Prior to Project ground disturbing activities</p>		<p>City/Project Applicant</p>

1.9

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1.9 cont.

	<p><u>minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. a qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest or bat maternity roost. If either roosts are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy.”</u></p>	<p>Prior to Project ground disturbing activities</p>	
<p>REC-2- Biological Assessment</p>	<p>The MND proposes Mitigation Measure 4 to avoid impacts to vegetation areas supporting special status plant and animal species; however, the mitigation measure as proposed may not assess a site as fully as possible. CDFW recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:</p>		<p>City/Project Applicant</p>

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1.9 cont.

	<p>"if the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. and Analysis should provide recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project level impacts are</p>		
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	<p>not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels. Biological Assessments should include the following information.</p> <p>a) <u>Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)].</u> The CEQA document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage (CDFW 2023a).</p> <p>b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas should be included where Protect construction and activities</p>		
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1.9 cont.

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	<p>could lead to direct or indirect impacts off site.</p> <p>c) Floristic, allience- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The Manual of California Vegetation Online should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the allience level will help establish baseline vegetation conditions.</p> <p>d) <u>A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review ICEQA</u></p>		
<p>1.9 cont.</p>			

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	<p><u>Guidelines, § 15003(i)(1).</u></p> <p>e) <u>A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's <u>Survey and Monitoring Protocols and Guidelines</u> for established survey protocol for select species (CDFW 2023d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.</u></p> <p>f) <u>A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects</u></p>		
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1.9 cont.

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	<p>of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.”</p>		
<p>REC-3-CNNDDB</p>	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFW 2023b). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023c).</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>REC-4-Rodenticide</p>	<p>Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>

1.9 cont.

2.2 WRITTEN COMMENTS AND CITY OF SOUTH PASADENA RESPONSES

Response to Comment Letter 1

California Department of Fish and Wildlife (CDFW) September 6, 2023

Response 1.1. This comment related to CDFW’s statutory responsibility and regulatory authority is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 1.2. This comment summarizing the Project and stating that CDFW has recommendations is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 1.3. The recommendations regarding potential impacts to bats are noted. In response, the mitigation measure language has been revised as noted below. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added. Decisions as to what specific survey methodologies will be used for specific future projects implementing the General Plan, DTSP, and/or Housing Element will be determined on a case-by-case basis by the qualified biologist undertaking the survey work. These revisions reflect minor updates or clarifications to the content of the PEIR and previously identified mitigation measures, and thus do not represent material changes or revisions that modify the impact conclusion of less than significant with mitigation.

MM BIO-2 Trimming or removal activities of mature or significant trees will be conducted between August 16 (**for nesting birds**) or **October 1 (for bats)** and February 28, outside of the breeding seasons for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest **and a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites and any maternity roosts** ~~or bat maternity roost~~. If either are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy.

Response 1.4. The recommendations regarding biological assessment of potential impacts in naturally vegetated areas, including the Arroyo Seco drainage corridor are noted. In response, the mitigation measure language has been revised as noted below that reflects the changes the City has incorporated. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added. The comment suggests incorporation of detailed requirements for what should be included in future project-specific biological assessments; however, the detailed scope of work for such future assessments will be determined as appropriate on a case-by-case basis and based on the expertise of the qualified professionals conducting the assessment work. The revisions reflect minor updates or clarifications to the content of the PEIR and previously identified mitigation measures, and thus

and do not represent material changes or revisions that modify the impact conclusion of less than significant with mitigation.

MM BIO-4 If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources. analysis shall place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts. and Analysis shall provide recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project-level impacts are not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels.

Response 1.5. CEQA and the State CEQA Guidelines do not prescribe actions regarding the use or update of the California Natural Diversity Database (CNDDDB). Nevertheless, search of the CNDDDB and update of the CNDDDB under certain circumstances is standard industry procedure for professional biologists in the State. This action is not within the purview of the City of South Pasadena to enforce. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 1.6. Imposition of a ban on rodenticides is beyond the scope of this Project and would require separate policy consideration by the City. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 1.7. Please refer to Responses 1.3 through 1.6, above, for discussion of the recommendations incorporated into the mitigation measures, which will be memorialized in the Final PEIR and the Project's MMRP.

Response 1.8. This comment providing closing remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 1.9. Please refer to Responses 1.3 through 1.6, above, for discussion of the recommendations incorporated into the mitigation measures, which will be memorialized in the Final PEIR and the Project's MMRP.

Comment Letter 2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0067
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

August 28, 2023

Alison Becker
Community Development Director
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

RE: South Pasadena General Plan
and Downtown Specific Plan &
2021-2029 Housing Element
Implementation Programs – EIR
(Draft EIR)
SCH # 2018011050
GTS #07-LA-2023-04280
Vic. LA Multiple

DOT

Dear Alison Becker,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The City of South Pasadena is preparing a comprehensive update to its existing General Plan for the implementation of the proposed update to the City's General Plan and adoption of the Downtown Specific Plan (DTSP) Update & 2021–2029 Housing Element. The City was the subject of a Court Order to bring its Housing Element into compliance with State housing law, pursuant to Government Code Section 65754. In April 2022, a lawsuit was filed alleging that the City was in violation of State Planning Law because the City had not adopted a 6th Cycle Housing Element by the State's statutory deadline of October 15, 2021. To be noted, by the aforementioned deadline, none of the 197 jurisdictions within SCAG had adopted a housing element that HCD found to be in compliance with State law, due to widespread difficulties with preparing a 6th cycle housing element that accommodates the high RHNA allocations throughout the SCAG region. In August 2022, the City was tasked to bring the Housing Element into compliance with Section 65754 of the Government Code within a certain time frame. The General Plan and DTSP Update each include nine chapters with policies and actions based on the overarching value assigned to a community goal:

- **Our Natural Community.** Live in balance with our natural environment. Preserve the natural areas and increase the quantity and access to open space.
- **Our Prosperous Community.** Attract and retain high-value, high-wage jobs within the creative sector, diversify the local economy, promote and support local businesses, and increase the local tax base to help fund vital public services.
- **Our Well Planned Community.** Direct new growth to the downtown area along Mission Street and Fair Oaks Avenue while protecting the stable residential areas from runaway

2.1

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Alison Becker
 August 29, 2023
 Page 2

- growth. Develop clear and precise objective standards that offer predictable outcomes and processes. Encourage pedestrian-oriented mixed-use development, while providing new and enhancing existing public spaces and gathering places.
- **Our Accessible Community.** Provide safe access for all street users—pedestrians, cyclists, public transit users, and motorists—of all ages and abilities. Support an integrated multi-modal network and efficiently manage parking to support wider community goals.
 - **Our Resilient Community.** Increase individual, institutional, and business capacity to survive, adapt to any chronic stress or acute shocks and be able to recover and thrive.
 - **Our Healthy Community.** Create environments that encourage healthy lifestyles and maximize opportunities for physical activity. Well-designed public and semi-public realms foster social interaction, and good programming can draw people out of their homes and into the community.
 - **Our Safe Community.** Provide a safe environment for people of all ages, minimize threats to life and damage to structures, and increase awareness and be prepared for any emergency.
 - **Our Active Community.** Add to and enhance City parks and open spaces to provide enriching recreational opportunities.
 - **Our Creative Community.** Become a vibrant cultural center by weaving creative expressions into everyday life.

2.1 cont.

After reviewing the DEIR, Caltrans has the following comments:

- The rezoning of non-residential parcels to allow densities that support and encourage both market rate and affordable housing units would follow the adoption of a revised General Plan Land Use Element together with the DTSP. The Housing Element Implementation Programs support goals for most new housing to be provided in walkable mixed-use environments in the Downtown and along major transit corridors and arterial roadways.
- Currently the project is designed in a way that will induce additional Vehicle Miles Traveled (VMT) through project-generated traffic from commercial/retail uses and increased housing opportunities within existing residential neighborhoods. The Lead Agency is encouraged to integrate Traffic Demand Management (TDM) strategies in a way that reduces VMT and Greenhouse Gas (GHG) emissions to meet California’s established goals and mandates for GHG reduction. Caltrans concurs with Measure P4.8 to ensure availability and access to public and private parking supply as opposed to increasing supply. We recommend employing parking management strategies, such as shared parking in mixed use areas and spill-over parking to avoid unnecessary parking construction. Reducing the amount of excess car parking supplied acts against enabling driving over other methods of transit. Research indicates that removing car parking is a proven method of reducing trip demand, improving housing affordability, and encouraging active modes of transportation. Planning for electric car charging in parking lots and downtown centers would encourage the usage of plug-in hybrid vehicles (PHEVs) or fully electric vehicles (BEVs), which can help to reduce tailpipe emissions and minimize reliance on fuel.
- Additionally, Caltrans concurs with Measure P5.3 A5.3b of the DTSP proposed policies and actions to leverage the Metro A Line Station for walkable mixed-use development opportunities on nearby sites to provide a variety of affordable housing types, local employment, community benefits, and application of extensive TDM measures. To best support a walkable core area in the downtown, the most effective methods to reduce pedestrian and bicyclist exposure to vehicles is through physical design and geometrics. For Well Planned, Accessible, and Safe communities, proposed improvements to non-vehicular development include examples of effective physical

2.2

2.3

2.4

2.5

“Provide a safe and reliable transportation network that serves all people and respects the environment”

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Page 3

design such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, refreshed or new crosswalks, and reductions in crossing distances through roadway narrowing. By upgrading current Class II and III bike lane facilities to Class IV, design aspects such as bikeway vertical element separation would act to prioritize pedestrian safety and minimize collision with vehicles.

The DTSP includes Catalytic Projects, which are proposed for potential future implementation to transportation planning in the downtown area. Encouraging community interaction and fostering economic vitality result from maintaining a network of complete streets which include, but are not limited to enhancement of street lighting, way-finding signage, roadway design, and accessible pedestrian infrastructure to encourage recreational walking. These elements can help the City of South Pasadena General Plan Update and DTSP meet its objectives as well as Caltrans' targets of tripling trips made by bicycle, doubling trips made by walking and public transit, and a 15% reduction in statewide VMT.

By removing barriers to walking, biking, and taking transit, this Plan can engage Californians in shifting towards transit-oriented communities, and help the State meet its policy goals to reduce the number of trips made by driving, GHG emissions, and provide for multimodal transport options.

2.5 cont.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS #07-LA-2023-04280.

2.6

Sincerely,



MIYA EDMONSON
LDR Branch Chief

cc: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment Letter 2

California Department of Transportation (DOT) August 28, 2023

Response 2.1. This comment summarizing the Project is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 2.2. While growth in any jurisdiction may result in more trips, including bicycle, transit, and vehicle trips, the Project documents have been designed with the goal of reducing VMT/capita and VMT/Service Population as demonstrated in Section 3.14, Transportation, and shown in Table 3.14-2 on page 3.14-23 of the Draft PEIR. In addition to development of a more intense and transit-oriented land use pattern in the City's downtown area the Project includes numerous policies and actions to reduce long-term greenhouse gas (GHG) emissions, including but not limited to traffic demand management (TDM) measures. The policies and actions relevant to GHG emissions are listed in PEIR Section 3.7.5, starting on page 3.7-15 of Section 3.7, Greenhouse Gas Emissions.

Response 2.3. Parking demand management strategies are included in the policies and actions of the General Plan and Downtown Specific Plan (DTSP) Update, primarily in the *Our Accessible Community* chapter but also within other chapters where applicable. Because parking is no longer a CEQA required topic, parking related policies and actions are not evaluated in the Draft PEIR unless otherwise relevant to an environmental topic. Additionally, much of the City is included in a High-Quality Transit Area and/or Transit Priority Area, as shown in Exhibit 3.10-1, following page 3.10-10 of the Draft PEIR; pursuant to Assembly Bill 2097, public agencies' ability to impose or enforce minimum automobile parking requirement on most residential and commercial development projects that is within one-half mile of a major transit stop. Thus, Project policies and other applicable regulations are generally consistent with the recommendations in the comment.

Response 2.4. The General Plan and Downtown Specific Plan Updates include policies to promote use of energy-efficient vehicles including promoting installation of alternative fueling stations and electrical charging stations at businesses and residences (A1.3B) and EV charging stations are a permitted use throughout the DTSP area. Additionally, as discussed on PEIR page 3.7-12 in Section 3.7, Greenhouse Gas Emissions, future projects would be required to implement current building codes including the California Green Building Code (CALGreen). The City of South Pasadena has been a leader in supporting and implementing sustainable practices. For instance, in 2014 the City banned plastic bags, in 2016 the City became the first in the nation to be certified as a Green Zone City by the American Green Zone Alliance, and in 2016 the City Council voted to ban the sale and use of expanded polystyrene. The City has offered rebates and water conservation programs for its residents and businesses for the last several years that contributed to an 18 percent water use reduction between 2013 and 2018. In 2019 the City joined the Clean Power Alliance and selected 100 percent green power as the default option, in 2021 the City Council adopted an ordinance banning use of gas-powered leaf blowers, and in 2022, the City Council approved the transition of South Pasadena Police Department's fleet of gas-powered vehicles to battery electric vehicles and installation of charging infrastructure. The City has been designated Tree City USA for 20 years and counting.

Response 2.5. This comment summarizing the Project and its benefits for mobility and the environment is acknowledged for the administrative record and will be provided to the decision-makers for review and consideration.

Response 2.6. This comment providing closing remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Letter 3



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

August 30, 2023

Ms. Alison Becker
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030
Sent by Email: CDD@southpasadenaca.gov

RE: South Pasadena General Plan and Downtown Specific Plan Update, and 2021-2029 Housing Element
Notice of Availability of a Program Environmental Impact Report

Dear Ms. Becker:

Metro

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed South Pasadena General Plan and Downtown Specific Plan Update, and 2021-2029 Housing Element (Plan) located in the City of South Pasadena (City). Metro's mission is to provide a world-class transportation system that enhances quality of life for all who live, work, and play within Los Angeles County. As the County's mass transportation planner, builder and operator, Metro is constantly working to deliver a regional system that supports increased transportation options and associated benefits, such as improved mobility options, air quality, health and safety, and access to opportunities.

Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive planning and developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Environmental Impact Report (EIR) for the Project. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.¹

3.1

Project Description

The Project area is bounded by the City of Pasadena to the north; City of San Marino to the east; City of Alhambra to the south; City of Los Angeles to the southwest; and unincorporated County of Los Angeles communities to the west. The Metro A Line also provides light rail access from the City's South Pasadena Station to downtown Los Angeles, the City of Pasadena, and the northern San Gabriel Valley. The General Plan and Downtown Specific Plan (DTSP) Update serve as a long-term policy

3.2

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General Plan and Downtown Specific Plan Update, and 2021-2029 Housing Element
 Notice of Draft Program Environmental Impact Report – Metro Comments
 August 30, 2023

guide for decision-making regarding the physical development, resource conservation, and character of the City and establishes a non-residential development capacity for the City. The DTSP builds on the earlier (1996) Mission Street Specific Plan, expanding its area to include Fair Oaks Avenue. The Housing Element serves as the policy guide for residential development and demonstrates how the City intends to comply with State housing legislation and regional (SCAG) requirements.

3.2 cont.

Recommendations for EIR Scope and Content

South Pasadena Downtown Specific Plan

- Page 50, Figure B.2. – Revise second line in caption to read from “...the South Pasadena Metro Gold Line station...” to “...the South Pasadena Metro A Line Station...”
- Page 56 – Update “Metro Gold line station” to “Metro A Line Station” in first paragraph

3.3

South Pasadena General Plan Update

- Pages 43-45, 111 – Update “Metro Gold Line” to “Metro A Line”
- Page 81 – Update map legend to read “Metro A Line Station” and “Metro A Line”

Transit Services and Facilities

The Plan and EIR should include an updated inventory of existing and planned transit service provided by Metro and any other transit operators serving the City. Reference documents that should be used include Metro’s 2020 Long Range Transportation Plan and 2021 NextGen Bus Plan. The Plan should include policies to enhance access and use of public transit, as recommended below. The EIR should analyze potential impacts to public transit service and facilities. Attention should be given to South Pasadena Station, which is served by the Metro A Line.

3.4

Adjacent Review Policy

The Plan area includes Metro-owned right-of-way (ROW) and transit facilities for Metro Rail and Metro Bus. In particular, this includes the Metro A Line. Buses and trains operate 24 hours a day, seven days a week in these facilities.

3.5

The EIR’s transportation section should analyze potential impacts on Metro within the Plan area, and identify mitigation measures or project design features as appropriate. Metro recommends reviewing the Metro Adjacent Development Handbook (available at <https://www.metro.net/devreview/>) to identify issues and best practices for development standards arising from adjacency to Metro infrastructure.

3.6

In addition, Metro recommends that the Plan include a policy encouraging applicants to coordinate with Metro during City Planning review if the subject parcel is within a 100-foot buffer of Metro infrastructure. Such projects should also comply with the Adjacent Development Handbook.

3.7

Transit Supportive Planning: Recommendations and Resources

Metro would like to identify the potential synergies associated with transit-oriented communities, and recommend planning resources to aid in the development of the Plan:

3.8

General Plan and Downtown Specific Plan Update, and 2021-2029 Housing Element
Notice of Draft Program Environmental Impact Report – Metro Comments
August 30, 2023

1. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments.
2. Transit Connections and Access: Metro strongly encourages the City to include policies in the Plan that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the bus stops and nearby destinations. These policies should guide future capital improvements as well as private development to be approved by the City. Policy topics include:
 - a. Walkability: The provision of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with American with Disabilities Act (ADA) - compliant curb ramps, and other amenities along all public street frontages of a development to improve pedestrian safety and comfort to access transit stations and bus stops. Best practices for Complete Streets should be incorporated where possible.
 - b. Transfer Activity: Best practices that consider and accommodate transfer activity between bus lines that will occur along the sidewalks and public spaces. Metro has completed the Metro Transfers Design Guide, a best practices document on transit improvements. This can be accessed online at <https://www.metro.net/about/station-design-projects/>.
 - c. Bicycle Use and Micromobility Devices: The provision of adequate short-term bicycle parking, such as ground-level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees, and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, ease to locate, and equipment installation with preferred spacing dimensions, so bicycle parking can be safely and conveniently accessed. Similar provisions for micro-mobility devices are also encouraged.
 - d. First & Last Mile Access: The Plan should address first-last mile connections to transit (particularly to the South Pasadena Station and several Metro Bus Stops) and is encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf.
3. Parking: Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.
4. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus pictograms) requires review and approval by Metro Signage and Environmental Graphic Design.

3.8 cont.

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General Plan and Downtown Specific Plan Update, and 2021-2029 Housing Element
Notice of Draft Program Environmental Impact Report – Metro Comments
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5. Art: Metro encourages the thoughtful integration of art and culture into public spaces and will need to review any proposals for public art and/or placemaking facing a Metro ROW. Please contact Metro Arts & Design staff for additional information.
6. Transit Pass Programs: Metro would like to inform the City of Metro's employer transit pass programs, including the Annual Transit Access Pass (A-TAP), the Employer Pass Program (E-Pass), and Small Employer Pass (SEP) Program. These programs offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. The A-TAP can also be used for residential projects. For more information on these programs, please visit the programs' website at <https://www.metro.net/riding/eapp/>.

3.8 cont.

If you have any questions regarding this letter, please contact me by phone at 213.418.3484, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

3.9

Sincerely,



Cassie Truong
Senior Transportation Planner, Development Review
Transit Oriented Communities

Attachments and links:

- Adjacent Development Handbook: <https://www.metro.net/projects/devreview/>

Response to Comment Letter 3

Los Angeles County Metropolitan Transportation Authority (Metro) August 30, 2023

Response 3.1. This comment related to Metro’s role in the region and statutory responsibility is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.2. This comment summarizing the Project is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.3. The recommended text changes to reflect the current Metro naming convention for the light rail line, from Metro Gold Line to Metro A Line in the General Plan and DTSP Update are acknowledged. The City will continue to integrate the new naming conventions into City documents as feasible. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.4. The existing transit services at the time the Recirculated Notice of Preparation (NOP) was released in April 2021, consistent with the requirements of CEQA and the State CEQA Guidelines, are identified on page 3.14-3 in Section 3.14, Transportation, of the Draft PEIR; and potential impacts to public transit services and facilities pursuant to Appendix G of the State CEQA Guidelines is provided on pages 3.14-21 and 3.14-22. As stated on page 3.14-22,

“In summary, implementation of the Project would support improved public transit, bicycle, and pedestrian facilities as well as roadway circulation. Iteris’ review of the General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs concluded that there are no potential inconsistencies or conflicts with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or the performance or safety of those facilities. The General Plan and DTSP Update incorporate future networks and policies related to supporting transit, bicycles, and pedestrians in the City. These networks are consistent with regional and local planning efforts supporting these modes of travel. Additionally, the General Plan and DTSP Update have numerous policies supporting complete streets (providing accessibility for all users of all ages and abilities) and active transportation, as discussed above. There would be no conflicts with a program, plan, ordinance or policy addressing the circulation system. Therefore, there would be no impact and no mitigation is required.”

Existing and planned transit services will change over the life of the Project. Based on review of current transit availability in the City, the above-presented conclusion regarding impacts to transit services and facilities would remain accurate at a program level. No changes to the Draft PEIR will be made as a result on this comment.

Response 3.5. This comment related to the presence of Metro-owned right-of-way and operation of Metro Rail and Metro Bus in the City is acknowledged. The operation of Metro’s facilities 24 hours a day and seven days a week is noted and was taken into account in the various analyses completed for the PEIR. The comment does not address the content or adequacy of the Draft

PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.6. Please refer to Response 3.4 above regarding analysis of potential impacts on transit facilities. Consistent with the Environmental Checklist provided in Appendix G of the State CEQA Guidelines, alternative transportation facilities were analyzed pursuant to the following threshold: “Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?” No significant impacts related to conflict with a program, plan, ordinance, or policy addressing transit facilities and services, including Metro facilities, were identified. This comment does not present evidence of an undocumented significant environmental impact related to this threshold.

Response 3.7. Coordination with Metro and/or use of the Metro Adjacent Development Handbook by the City is currently a standard practice for projects near Metro’s ROW. It is expected that the City and/or applicants for future projects would consult with Metro, as appropriate, to ensure the continuance and safety of activities on all party’s properties. While the identified issue is not germane to the CEQA analysis of this Project, it is understood these are issues of relevance and concern to Metro for planning and procedural purposes. The comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.8. This comment presenting transit-oriented planning and recommended planning resources is acknowledged, and each of the suggested planning approaches have been integrated into the General Plan and in particular the DTSP, in furtherance of the City’s vision. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.9. This comment providing closing remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Letter 4



SENT VIA E-MAIL:

September 6, 2023

CDD@southpasadenaca.gov

Alison Becker, Deputy Director of Community Development
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

**Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for the
South Pasadena General Plan and Downtown Specific Plan Update, and 2021-2029
Housing Element Project (Proposed Project)**

SCAQMD

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of South Pasadena is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include completion of CEQA air quality impact analysis during construction and operational activities, Health Risk Assessment (HRA) during project operation, additional air quality mitigation measures recommended for construction, overlapping construction and operational activities, and information about South Coast AQMD rules and permits that the Lead Agency should include in the Final PEIR.

4.1

South Coast AQMD Staff's Summary of Project Information in the Draft PEIR

The Lead Agency envisions development of the Proposed Project to align local and regional development objectives, thereby fostering more affordable housing choices in the South Pasadena region; The Proposed Project also aims to effectively address concerns related the persistent growth pressure in the San Gabriel Valley.¹

4.2

Based on the Program EIR, the Lead Agency proposes the construction of 2,775 residential units and 430,000 square feet of non-residential uses, including retail and office development on 2,272 acres.² The project is bounded by Pasadena to the north, San Marino to the east, Alhambra to the south, and Los Angeles to the southwest.³ For this PEIR, the development of the proposed growth identified in the General Plan is assumed to occur by the horizon year of 2040.⁴

South Coast AQMD Staff's Comments

Completion of CEQA Air Quality Impacts Analysis During Construction and Operation Activities

Based on the Draft PEIR, only one daily emission table has been provided by the lead agency for determining the significance of the regional air quality impacts during project operation in the air

4.3

¹ Draft PEIR, p.11.

² Ibid, p. 13.

³ Ibid, p. 12.

⁴ Ibid, p. 66.

Alison Becker

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quality analysis,⁵ with no emissions provided for the localized significant thresholds (LSTs) for operational, and no analysis has been performed for constructional emissions. The lead agency has stated that the Draft PEIR does not contain analysis on air pollutant emissions from construction activities, citing the absence of specific development proposals within the General Plan and Downtown Specific Plan (DTSP) Update & 2021–2029 Housing Element Implementation Program. Nevertheless, even though the precise projects have yet to be defined, in pursuant of the CEQA section 15183.5 -Tiering and streamlining the Analysis of Greenhouse Gas (GHG) Emissions- the lead agency may analyze the significant effects of the greenhouse gas emission at a programmatic level, such as a general plan or a long-ranged development plan. Later project-specific environmental documents may tier from and/or incorporated by reference that existing programmatic review. Additionally, in pursuant to CEQA guidelines section 15064 -Determining the Significance of the Environmental Effects Caused by a project – the lead Agency is responsible for performing an in-depth and detailed analysis of an estimation of the potential air quality impact arising from the construction of 2,775 residential units and 430,000 square feet of non-residential spaces, including retail and office developments in the designated area. Alternatively, the lead agency can tear out the projects and examine a worst-case scenario construction emission, wherein the estimated construction impacts can be roughly assessed. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air quality analysis section to include:

4.3 cont.

- 1) Estimated the maximum daily on-site construction emissions using CalEEMod⁶ land use emissions software, and subsequently, compare these emissions against the South Coast AQMD LSTs.
- 2) Quantify criteria pollutant emissions and GHG emissions using CalEEMod land use emissions software and compare the emissions to South Coast AQMD’s CEQA regional pollutant emissions significant thresholds.⁷
- 3) Estimated the maximum daily on-site operational emissions using CalEEMod land use emissions software, and subsequently, compare these emissions against the South Coast AQMD LSTs.

4.4

It is important to note that the localized analysis can be conducted either by using the LST screening tables or by performing dispersion modeling.

This analysis will provide us with a preliminary assessment of the potential air quality impacts, both at the regional and localized levels, arising from the Proposed Project.

Health Risk Assessment (HRA) During Project Operation

4.5

Health risk analysis involves quantifying the exposure of the sensitive receptors to toxic air contaminants (TACs), specifically diesel particulate matter (DPM). The lead agency has stated

⁵ Ibid. p. 132.

⁶ CalEEMod is available free of charge at:

www.caleemod.com.

⁷ South Coast AQMD’s CEQA regional pollutant emissions significance thresholds can be found at:

<https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

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that, due to the absence of the site-specific information, conducting a precise HRA tailored to this specific location would be speculative at this stage. As a result, the potential cancer risk linked to the individual project remains unknown. However, it is important to note that since the Proposed Project site is located in close proximity to the SR-110 freeway, which experiences a high volume of diesel trucks emitting DPM and posing high adverse cancer risks to the sensitive land uses, it is highly recommended the lead agency conducts quantitative, or at least qualitative mobile source HRA in the project. This is essential for the purpose of an EIR as an informational document. To ensure that the HRA is conservative and protective, we recommend the lead agency perform the HRA using the worst-case project scenario. This comprehensive approach will inform the public and decision-makers about the potential health risks to the sensitive land uses of the Proposed Project.

4.5 cont.

Additional Air Quality Mitigation Measures Recommended for Construction

Considering the long-range plan of the Proposed Project from 2023-2040, off-road engines meeting CARB Tier 4 emission control technology standards may not represent the cleanest option when construction occurs later for individual projects. According to CARB Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 standards, beginning in 2027 or 2028, along with the Governor's Executive Order in September 2020, requires CARB to develop and propose a full transition to Zero Emissions (ZE) by 2035.⁸ Given the scope of the project, it is crucial to ensure that the construction emissions, specifically NO_x and PM₁₀, remain below significant thresholds during the construction period for each proposed individual project. To achieve this goal, where feasible, opting for electric emission-free engines instead of diesel-fueled ones for the construction equipment is recommended. This proactive choice not only aligns with environmental concerns but also demonstrates a commitment to minimizing the project's environmental footprints. To mitigate NO_x emissions, the Proposed Project should consider promoting greener construction practices, such as limiting the older engines use in favor of latest available advanced technologies or choosing to retrofit some to cutting-edge cleaner exhaust aftertreatment techniques. Additionally, the South Coast AQMD's CEQA Air Quality Handbook⁹ offer resources to help the Lead Agency identify additional potential mitigation measures for the Proposed Project for both operational and construction emissions.

4.6

Overlapping Construction and Operational Activities

While the Proposed Project spans approximately 2,272 acres of land and involves a 17-year construction period, the Draft PEIR does not address the scenario of overlapping construction and operational activities. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air quality analysis section to consider this overlapping air quality impacts. The estimated emissions during overlapping phases should then be compared to South Coast

4.7

⁸ Presentation can be found at:

<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf>

⁹South Coast AQMD's CEQA Air Quality Handbook

<http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>

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AQMD’s regional air quality CEQA operational thresholds to determine their level of significance, which should be included in the Final PEIR. If the overlapped emissions analysis is not included in the Final PEIR, the Lead Agency should provide reasons for this omission, supported by substantial evidence in the record.

4.7 cont.

South Coast AQMD Permits and Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary equipment (e.g., internal combustion engines), permits from South Coast AQMD are required. The Final PEIR should include a discussion on any existing and new stationary equipment requiring South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used for the stationary sources in the Final PEIR will also be used as the basis for the permit conditions and limits for the Proposed Project. Please contact South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>.

4.8

Conclusion

According to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the Draft PEIR for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final PEIR. When the Lead Agency’s position is at variance with recommendations raised in the comments, the issues raised in the comments should be addressed in detail, giving reasons why specific comments and suggestions are not accepted. There should be good faith and reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and the public who are interested in the Proposed Project.

4.9

We appreciate the opportunity to review the Proposed Project. Thank you for considering these comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

4.10

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW:SG
LAC230726-06
Control Number

Response to Comment Letter 4

South Coast Air Quality Management District (SCAQMD) September 6, 2023

Response 4.1. This comment summarizing the scope of comments provided is acknowledged, and responses to the specific points are addressed in subsequent responses.

Response 4.2. This comment summarizing the Project is acknowledged. It should be noted that the City is not “propos[ing] the construction of 2, 775 residential units and 430,000 square feet of non-residential uses,” but rather is planning for this level of development, in part, to meet its Regional Housing Needs Assessment and Housing Element obligations. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 4.3. This comment accurately summarizes the scope of the air quality analysis presented in the Draft PEIR. As discussed further in Responses 4.4 through 4.7, the level of detail and scope of quantitative analysis provided in the Draft PEIR related to air quality is appropriate to the degree of specificity provided in the General Plan and DTSP Update and 2021–2029 Housing Element Implementation Programs documents, which is at a Citywide land use level. Because the Project is analyzing three planning documents at a programmatic level and does not describe any specific project, quantitative analysis of regional or local construction or local operational emissions would require speculation, is not feasible, nor would it provide meaningful or useful information to decision-makers, beyond the information already included in the PEIR.

The quantitative analysis of GHG emissions at a programmatic level was conducted and the results are presented in Section 3.7, Greenhouse Gas Emissions, of the Draft PEIR. This comment correctly states that, consistent with Section 15183.5 of the State CEQA Guidelines, later project-specific environmental documents may tier from or incorporate by reference this existing programmatic analysis. The comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 4.4. Because the Project is analyzing three planning documents at a programmatic level and does not describe any specific project, quantitative analysis of regional or local construction or local operational emissions would require speculation, is not feasible, nor would it provide meaningful or useful information to decision-makers, beyond the information already included in the PEIR. As discussed further below in this Response 4.4, the level of detail and scope of quantitative analysis provided in the Draft PEIR related to air quality is appropriate.

Section 15064(f) of the State CEQA Guidelines states:

“The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency”.

Section 15064(f)(5) states that:

“Argument, speculation [emphasis added], unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts”.

Speculation is discussed in Section 15145 of the State CEQA Guidelines as follows:

“If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact”.

Finally, Section 15146 of the State CEQA Guidelines discusses that:

“The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

Accordingly, the Draft PEIR does not attempt to quantify construction activities or local construction or operational emissions because doing so requires site- and project-specific parameters to provide meaningful conclusions for purposes of determining and, if necessary, avoiding or reducing environmental impacts with project-specific mitigation measures. It is considered feasible to model regional operational emissions, assuming buildout of the plan documents’ capacity all at once based on the existing conditions, using CalEEMod and accordingly this analysis was conducted. Refer to the analysis of regional operational emissions beginning on page 3.2-22 in Section 3.2, Air Quality, of the Draft PEIR.

The level of detail and scope of quantitative analysis provided in the Draft PEIR is appropriate to the degree of specificity provided in the General Plan and DTSP Update and 2021–2029 Housing Element Implementation Programs documents, which is at a Citywide land use level. Furthermore, in the absence of feasible and reasonable analysis for regional and local construction emissions and local operational emissions, the Draft PEIR assumes these impacts will be significant and unavoidable both at a program and cumulative level. As discussed beginning on page 3.2-21 of the Draft PEIR, “the Applicant/Developer of any future project requiring environmental evaluation pursuant to CEQA would be required to conduct project-specific air quality analyses that include mitigation measures, as needed, to reduce any significant impacts to the maximum extent feasible and consistent with all requirements of CEQA and the State CEQA Guidelines. In addition, for projects that are estimated to exceed the SCAQMD construction emissions significance thresholds (Table 3.3-4 [of the Draft PEIR]), all feasible mitigation measures shall be applied to minimize construction-related air quality impacts, based on project-specific air quality modeling, to the maximum extent practically and technologically feasible.” Similarly, as discussed on page 3.2-22, the Applicant/Developer of any future project requiring environmental review pursuant to CEQA would be required to conduct an localized significance threshold (LST) analysis is applicable based on the site- and project-specific conditions.

Response 4.5. Similar to the discussion in Response 4.4, because the Project is analyzing three planning documents at a program level and does not describe any specific project nor authorize any specific development project or other land use approval, preparation of a health risk analysis

(HRA) would require speculation, is not feasible, nor would it provide meaningful or useful information to decision-makers, beyond the information already included in the PEIR. A qualitative analysis, as recommended in this comment, was conducted, beginning on page 3.2-26 of the Draft PEIR. The analysis acknowledges the adjacency of State Route 110 (SR-110) to portions of the planning area, its potential to be a source of diesel particulate matter (DPM) as a toxic air contaminant (TAC), and the California Air Quality Board's (CARB) advisory recommendation related to siting certain land uses near TAC sources. While not required by CARB or by CEQA, the City opted to include as mitigation measure (MM) AQ-1 (see page 3.2-30) the requirement for projects within 500 feet of SR-110 to prepare an HRA and to identify measures to reduce health risk to an acceptable level. As such, the Draft PEIR provides non-speculative, meaningful information to the extent feasible while ensuring that potential impacts are captured, and feasible mitigation is recommended to reduce those impacts that would be necessarily speculative to precisely define at this stage.

The comment states that SR-110 is “posing a high adverse cancer risk” but does not provide data to support this statement. On page 3.2-27 of the Draft PEIR, a detailed discussion of the daily traffic volumes and truck volumes on the segment of SR-110 that traverses the City in the context of what is defined by U.S. Environmental Protection Agency (USEPA) as projects of air quality concern (POAQC). As discussed, the current total and truck volumes are substantially less than those indicated by the USEPA as a trigger for detailed analysis.

Response 4.6. As discussed above, the adoption of plan documents does not authorize any specific development project or other land use approval. As such, there is no impact identified for which a mitigation measure or other action is required. As discussed in Response 4.4, the Draft PEIR does not attempt to quantify construction activities nor local construction or operational emissions as these require site- and project-specific parameters to provide any meaningful conclusions for purposes of determining and, if necessary, avoiding or reducing environmental impacts with project-specific mitigation measures. The appropriate process is for any such requirements to be developed as needed to reduce criteria pollutant emissions in the context of project-specific air quality analyses conducted for future projects requiring environmental evaluation pursuant to CEQA. Typical construction-related mitigation measures appropriate to each project would be formulated at that time.

Response 4.7. As discussed in Responses 4.4 through 4.6, quantitative analysis of regional or local construction or local operational emissions would require speculation, is not feasible, nor would it provide meaningful or useful information to decision-makers. An even greater level of speculation would be required to undertake an analysis of overlapping construction and operational activities, given the programmatic and long-term nature of the planning efforts. Quantitatively analyzing overlapping construction and operational activities would be especially speculative not only because construction activity is project-specific but also because the existing local and regional setting (e.g., operational activities) will change over time, thereby changing the results of any such analysis for individual projects.

Response 4.8. This comment related to SCAQMD permits and role as a responsible agency is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 4.9. The City of South Pasadena is providing all commenting agencies with their respective response to comments at least 10 days prior to potential certification of the PEIR by the City's decision-making body. The responses provided herein to SCAQMD's comment letter

are provided in good faith and at an appropriate level of detail to provide a clear and reasoned response.

Response 4.10. This comment providing closing remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Letter 5

Ed Elsner
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September 6, 2023

Ms. Alison Becker
Deputy Director of Community Development
1414 Mission Street
South Pasadena, California 91030
VIA EMAIL (CDD@southpasadenaca.gov) ONLY

Dear Ms. Becker,

Elsner1

Please accept for consideration this comment on the environmental analysis presented in the Draft Program Environmental Impact Report (“PEIR”) for the General Plan and Downtown Specific Plan Update & 2021–2029 Housing Element Implementation Programs (“Project”).

The PEIR does not comply with CEQA as follows:

1. The PEIR does not disclose the true scope of the Project;
2. The PEIR does not analyze tenant displacement impacts;
3. The PEIR does not adequately analyze impacts on the Huntington Drive corridor; and
4. The PEIR should further analyze the Distributed Housing Alternative.

More specific comments are provided below.

5.1

1. The PEIR Does Not Disclose The True Scope Of The Project.

a. The Housing Element Understates Anticipated Development Capacity.

In section 2.4.4, the PEIR recites that “for purposes of this PEIR, a total of 2,775 new DUs are analyzed as being developed.” Table 2-2 of the PEIR “summarizes the 6th Cycle RHNA allocation for the City of South Pasadena that

5.2

Ms. Alison Becker
 September 6, 2023
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the Project accommodates,” breaking down the RHNA allocation and surplus by income group:

**TABLE 2-2
 2021–2029 HOUSING ELEMENT RHNA ALLOCATION**

Income Group	Number of New Units Allocated to City ^a	Percentage	RHNA Surplus ^b
Extremely Low and Very Low Income	757	37%	177
Low Income	398	19%	
Moderate Income	334	16%	144
Above Moderate Income	578	28%	316
Total	2,067	100%	708
Total Dwelling Units		2,775	

Sources: ^aSCAG 2021; ^bSouth Pasadena 2023.

The primary source for Table 2-2 is Table VI-52 of the housing element:

Table VI-52
 COMPARISON OF SITE CAPACITY AND RHNA

INCOME GROUP	TOTAL RHNA	UNITS APPROVED SINCE 6/30/21	ADUS WITH APPROVED BUILDING PERMITS SINCE 6/30/21	PROJECTED ACCESSORY DWELLING UNITS	UNITS ON VACANT AND NON-VACANT SITES WITH SUITABLE ZONING (TABLE VI-44)	UNITS ON VACANT SITES NEEDING ZONING CHANGES (SITE 1 TABLE IV-50)	UNITS ON NON-VACANT SITES NEEDING ZONING CHANGES (TABLE IV-44 AND 50)	UNITS DUE TO REZONING (TABLE VI-51)	TOTAL CAPACITY	SURPLUS RHNA	SURPLUS RHNA PERCENT
Extremely Low	757	0	1	45	0	70	522	533	1,332	177	15%
Very Low		0	1	27							
Low	398	0	3	130							
Moderate	334	0	1	6	0	0	205	266	478	144	43%
Above Moderate	578	9	22	89	109	0	286	379	894	316	55%
TOTAL	2,067	9	29	297	109	70	1,083	1,178	2,775	708	34%

Note: The income levels assigned to the ADUs approved since June 30, 2021 are based on the SCAG ADU affordability analysis.

The 2,775 total includes 1,178 units from Table VI-51 of the housing element. Table VI-51 identifies listed parcels as potential housing sites under the housing element’s rezoning program (Program 3.a.). Listed parcels are identified by assessor parcel number (APN), and for each parcel, the table specifies the current general plan land use, parcel size, existing unit count, density, and total capacity.

Total capacity is calculated by multiplying parcel size and density (as specified in the table for each parcel) and subtracting existing units to account for the demolition and replacement of existing units during redevelopment. Thus, total

5.2 cont.

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capacity represents a net addition to the City’s housing inventory resulting from the redevelopment of any given parcel.

To determine the anticipated development capacity for the listed parcels, and recognizing that not every parcel would be redeveloped, Table VI-51 assigns a 5% base probability of development to each parcel and then applies a series of “development capacity adjustments” to the base probability, depending on the characteristics of each parcel.

There are downward adjustments for historic districts (50%), commercial use (50%), newer construction (50%), and environmental constraints (50%). Upward adjustments are applied to parcels with a specified density greater than 50 units/acre (400%) and parcels located within 1/2 mile of a major transit stop (150%). For each listed parcel, the total adjustment is applied to total capacity to determine anticipated development capacity. For all listed parcels, the total anticipated development capacity is 1,178.

For parcels with a specified density greater than 50 units/acre, the housing element provides the following explanation:

- Density \geq 50 du/ac: It is anticipated that sites with a higher allowed intensity will be more likely to be redeveloped due to the higher potential return on investment by the property owners and developers of these sites. Therefore, sites with a residential zoning capacity of 50 du/ac or more are given a 400% development capacity adjustment.

Although Table VI-51 displays the 400% adjustment for every eligible parcel, the adjustment is not actually included in the calculation of the total adjustment for any parcel, as illustrated in this cropped screenshot of parcel 5313003045:

Development Capacity Adjustments							
Base Probability	Historic	Commercial Utilization	Buildings Constructed since 2000	Environmental Constraints	Density > 50du/ac	Within 1/2 Mile of Major Transit Stop	Total Adjustment
5%	100%	100%	100%	100%	400%	100%	5%

When the error is corrected, and the 400% adjustment is applied to every parcel with a specified density greater than 50 units/acre, the total anticipated

5.2 cont.

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development capacity for all listed parcels is 3,819 units, not 1,178, a difference of 2,641 units.

The record indicates that the housing element’s anticipated development capacity of 2,775 housing units is erroneous. Cal. Code Regs. tit. 14, §15384(a). To the extent that the Project description is based on the housing element’s understated total anticipated development capacity, the PEIR does not convey the Project’s true scope. “If a final environmental impact report (EIR) does not ‘adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,’ informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law. [Citation.]” *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201.

The adjustment error in question was brought to the City’s attention two months before the housing element was reviewed and approved by the Planning Commission and City Council. During a reopened comment period for the 5th draft housing element in late March 2023, this commenter submitted several written comments concerning the error. A March 22nd comment made the following recommendation:

Also, the 400% density adjustment should be included in the total development capacity adjustment for every listed site with a residential zoning of 50 du/ac or more. There is likely a formula error in the spreadsheet that needs to be resolved.

A follow-up comment submitted the next day stated the amounts of the corrected anticipated development capacity and the understatement:

Once the 400% development capacity adjustment is correctly applied to listed sites with a density of 50 du/ac or more, the new total anticipated development capacity is 3,819 housing units according to my calculation.

To put this in perspective, this is 2641 more housing units than the 1,178 total anticipated development capacity stated in the draft housing element for the sites listed in the uncorrected Table VI-51.

On March 24, 2023, this commenter met in person with City staff, on staff’s invitation, to discuss the written comments. The former city attorney was present as well. He cited timing concerns, and the potential consequences of missing the court-ordered deadline to adopt a 6th cycle housing element, as reasons to submit the draft to HCD that day with no corrections to Table VI-51.

5.2 cont.

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The draft housing element submitted to HCD published the written comments and the City's response, which included a “non-denial denial” of the adjustment error:

screened before building the new table. Staff also acknowledged the possibility of a formula error in the table. Upon further review after the meeting with the commenter, the City's Housing Element consultant determined that there is not a formula error in the table.

Although technically correct (unlike the underlying Excel file, the table is two-dimensional graphic containing no formulas), the response did not address the concern. The response did not deny that the 400% adjustment was not included in the total adjustment for any listed parcel, or that once corrected, the total anticipated development capacity for all parcels listed in Table VI-51 is 3,819 units.

Notwithstanding the timing issues cited by the former city attorney on March 24th, the March draft of the housing element was rescinded on April 28, 2023. A changed version was released, with no corrections to Table VI-51, and a new 7-day comment period was opened.

5.2 cont.

The April draft was submitted to HCD for review at the end of the comment period on May 5, 2023. On May 16, 2023, HCD issued a letter concluding that the April draft met the statutory requirements of the housing element law.

On May 17, 2023, the Planning Commission adopted a resolution recommending that the City Council adopt the draft housing element, and on May 30, 2023, the City Council adopted the housing element.

The written comments and the City's response were published in the final May draft reviewed by the Planning Commission and City Council. However, the adjustment error was not disclosed in the agenda reports, and to the best of this commenter's recollection, the error was not discussed by anyone in open session.

When the adjustment error is corrected, it becomes clear that rezoning Medium Density Residential and High Density Residential parcels (i.e., condominiums and apartment buildings) is unnecessary, and that the City's entire RHNA allocation and required buffer can be accommodated by the rezoning of the remaining parcels listed in Table VI-51. If Medium Density Residential and High

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Density Residential parcels are removed from the housing element’s rezoning program (Program 2.a.), the total anticipated development capacity would be 2,033, or 855 more units than Table VI-51’s total anticipated development of 1,178.

For the foregoing reasons, the housing element should be amended to correct the 400% development capacity adjustment error in Table VI-51, and to remove Medium Density Residential and High Density Residential parcels from the housing element’s rezoning program. The latter is a feasible alternative that would mitigate environmental impacts and promote Goal 1.0 (“Conserve and maintain the existing housing stock”) and Goal 6.0 (“[T]he City is committed to ensuring that all of its renter households maintain housing stability and affordability so that they can stay and thrive in South Pasadena”) of the housing element. 14 Cal. Code Regs. tit. 14, §15126.6. No reasonable interpretation of any provision of the housing element law would require the rezoning of these parcels, given the housing element’s understated total anticipated development capacity and the tenant displacement impacts discussed in section 2. below.

The PEIR should be revised accordingly before the amended housing element is reviewed by the Planning Commission and the City Council. In addition to the implementation programs, the Project should be defined as including the amended housing element. Unlike the adopted housing element, the amended housing element would not be exempt from CEQA (because it would not be necessary to comply with a court order). Gov’t Code §65759(a).

5.2 cont.

If these recommendations are not accepted, the PEIR should provide detailed, reasoned analysis addressing the adjustment error and the housing element’s understated anticipated development capacity. “The [lead agency’s] written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response.” Cal. Code Regs. tit. 14, §15088(c).

Informal, ad hoc modification of Table VI-51 to achieve an error-free 2,775 unit count (for example by deleting parcels, changing densities, or tweaking adjustments) would not be a sufficient response to this comment. An informal

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modification, which could be changed at will, would violate the fundamental principle that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 (original italics). The errors in Table VI-51 may be corrected only through formal amendment of the housing element (see section 3. below for further discussion of the legal effect of Table VI-51).

5.2 cont.

b. The Draft General Plan Understates Projected Housing Growth.

Using a different methodology, different existing unit counts, and different adjustments, the draft general plan projects housing growth at 2,775 units, precisely and conveniently the same amount as the housing element’s erroneously understated total anticipated development capacity.

The starting point for the growth projections in the draft general plan is the unit capacity for six “planning designations”: Neighborhood Very Low, Neighborhood Low, Neighborhood Medium, Neighborhood High, Mixed-Use Core, and Fair Oaks Corridor.¹

5.3

Unit capacity is calculated by multiplying acres and density, and the total unit capacity shown on Table B3.2 of the draft general plan for the six planning designations is 24,570 housing units:

¹ This comment assumes that the Neighborhood Medium and Neighborhood High planning designations include all of the Medium Density Residential and High Density Residential parcels listed in Table VI-51 of the housing element, and that the Mixed -Use Core and Fair Oaks Corridor planning designations include the remaining listed parcels.

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Planning Designation	Density (units/acre)	Parcels	Acres	Residential			Non-residential (square feet)	
				Unit Capacity	Adjustment	Realistic Capacity	Retail	Office
Neighborhood Very Low	3	1,187	454.5	1,364	--	1,364		
Neighborhood Low	5	3,398	625.6	3,128	--	3,128		
Neighborhood Medium	30	687	153.3	4,600	35%	1,610		
Neighborhood High	45	378	119	5,353	35%	1,874		
Mixed-Use Core	70	306	93.1	6,515	50%	3,257	463,000	370,000
Fair Oaks Corridor	110	91	32.8	3,610	75%	2,707	533,000	320,000
Civic	n/a	51	90.2	n/a	--	--		
Parks and Open Space	n/a	38	105.3	n/a	--	--		
Preserves	n/a	6	23.4	n/a	--	--		
Other Uses	n/a	53	17.1	n/a	--	--		
Total		6,195	1,714.3	24,570		13,940	996,000	690,000

The residential and non-residential numbers include existing development within South Pasadena.

Table B3.2. General Plan Capacity.

Next, realistic capacity is determined by applying adjustments to four of the planning designations. The higher the percentage of the adjustment, the higher the probability of development. Without explanation, no adjustment is applied to the planning designations least likely to be redeveloped (Neighborhood Very Low and Neighborhood Low), which effectively means a 100% probability of redevelopment for those planning designations.

The total realistic capacity for the six planning designations is 13,940 housing units, according to Table B3.2.

A note below the table states that “[t]he residential...numbers include existing development within South Pasadena.” Unlike the housing element adjustments, the draft general plan adjustments are applied to unit capacity before existing units are subtracted.

Overall, the draft general plan adjustments reflect a higher probability of development than the housing element adjustments, and the draft general plan contemplates more extensive redevelopment within the six planning designations. For example, a 35% adjustment is applied across the board to the Neighborhood Medium planning designation. By comparison, in the housing element, the typical

5.3 cont.

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Neighborhood Medium parcel with a specified 30 units/acre density is given a 5% adjustment.

If there is any correlation between the draft general plan adjustments and the housing element adjustments, it has not been disclosed in the PEIR.

In another deviation from the housing element, the draft general plan uses a total existing unit count representing the City’s entire housing inventory. This would include thousands of housing units with no appreciable likelihood of being redeveloped, such as detached single family residences. By contrast, Table VI-51’s total existing unit count is tied to the existing unit counts of the parcels identified in that table as potential housing sites.

According to a FAQ document dated August 21, 2023, the City’s entire 11,186 existing unit count was subtracted from the total realistic capacity of 13,940 units shown in Table B3.2 to arrive at the 2,067 RHNA allocation plus a capacity buffer:

**GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN
ADDITIONAL FREQUENTLY ASKED QUESTIONS**

August 21, 2023

Q1. What is a build-out analysis and was one conducted for the proposed plans?

A build-out analysis is used to estimate and describe the amount and the location of future development that may occur within a specified area and timeframe. The 2023 Draft General Plan does include a build-out analysis in the table found on page 62. Column 5, titled Unit Capacity calculates the theoretical full build out. A. The full build-out number is then revised to estimate likely development that could occur over the General Plan time horizon (approximately 20 years). The 2020 count of existing residential units in South Pasadena was 11,186 (HE Table VI-23). Theoretical full build out based on zoning capacity is 24,570. When adjusted for likely redevelopment within the General Plan time frame, the projection is 13,940 units, including existing units. Thus, when the existing 11,186 units are subtracted, you arrive at the required Housing Element capacity of 2,067 plus a capacity buffer.

When 11,186 is subtracted from 13,940, the total is 2,754; to reach a total of 2,775, the existing unit count that must have been used was 11,165. These existing units were apportioned among the six planning designations and subtracted from realistic capacity to determine the projected residential growth counts shown in Table B3.3, broken down by “place type” and totaling 2,775 units:

5.3 cont.

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Pattern	Residential	Non-residential	
		Retail	Office
Districts			
Ostrich Farm	490 units	5,000 square feet	100,000 square feet
Corridors (within the Downtown Specific Plan)			
Fair Oaks Avenue	880 units	75,000 square feet	100,000 square feet
Mission Street	350 units	25,000 square feet	25,000 square feet
Neighborhood Centers			
Huntington Drive and Garfield Avenue	140 units	10,000 square feet	50,000 square feet
Huntington Drive and Fletcher Avenue	--	5,000 square feet	--
Huntington Drive and Fremont Avenue	60 units	10,000 square feet	25,000 square feet
Neighborhoods			
High Density	455 units	--	--
Medium Density	350 units	--	--
Low Density	40 units	--	--
Very Low Density	10 units	--	--
Total	2,775 units	130,000 square feet	300,000 square feet

Table B3.3. Projected Growth by Place Types.

5.3 cont.

Table B3.3’s projected growth counts, including the 2,775 total, have been incorporated into Table 2-3 of the PEIR, in the “Residential (DUs)” column (which means that if any revisions are made to Table B3.3 of the draft general plan, the same revisions must be made to Table 2-3 of the PEIR):

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**TABLE 2-3
 CITY OF SOUTH PASADENA DEVELOPMENT CAPACITY (2040)**

	Size (acres)	Residential (DUs)	Non-Residential (sf)	
			Commercial	Office
Focus Areas				
<i>Corridors (within the Downtown Specific Plan Area)</i>				
Fair Oaks Avenue	80.0	880	75,000	100,000
Mission Street		350	25,000	25,000
Districts				
Ostrich Farm	13.4	490	5,000	100,000
Neighborhood Centers				
Huntington Drive & Garfield Avenue	4.5	140	10,000	50,000
Huntington Drive & Fletcher Avenue	1.6	0	5,000	0
Huntington Drive & Fremont Avenue	7.4	60	10,000	25,000
Neighborhoods (Throughout Remainder of the City)				
High Density		455	0	0
Medium Density		350	0	0
Low Density		40	0	0
Very Low Density		10		
	Totals	2,775	130,000	300,000
			430,000	

DU: dwelling units; sf: square feet; N/A: not available
 Source: South Pasadena 2023a.

Existing unit counts are not specified in Table B3.2 or Table B3.3, but the count for each planning designation is easily determined from the tables. Once place types are matched to planning designations, the basic formula is Realistic Capacity (Table B3.2) - Projected Growth (Table B3.3) = Existing Unit Count. The following table matches place types to planning designations and performs the calculations:

5.3 cont.

Planning Designation	Realistic Capacity (Table B3.2)	Place Type (Table B3.3)	Projected Growth (Table B3.3)	Existing Unit Count
Neighborhood Very Low	1364		10	1354
		Very Low Density	10	
Neighborhood Very Low	3128		40	3088
		Low Density	40	
Neighborhood Medium	1610		350	1260
		Medium Density	350	
Neighborhood High	1874		455	1419
		High Density	455	
Mixed-Use Core	3257		1040	2217
		Ostrich Farm	490	
		Mission Street	350	
		Huntington Drive and Garfield Avenue	140	

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Planning Designation	Realistic Capacity (Table B3.2)	Place Type (Table B3.3)	Projected Growth (Table B3.3)	Existing Unit Count
		Huntington Drive and Fletcher Avenue	0	
		Huntington Drive and Fremont Avenue	60	
Fair Oaks Corridor	2707		880	1827
		Fair Oaks Avenue	880	
TOTAL:	13940		2775	11165

The PEIR affirms that the 2,775 unit total shown in Table B3.3 of the draft general plan is scope-defining, and that this total (along with projected non-residential development) is the basis of all analyses in the PEIR:

2.272-acre City. The Project analyzed herein would accommodate a maximum of 2,775 DUs (i.e., the 6th Cycle RHNA allocation and HCD-recommended surplus) and 430,000 sf of non-residential uses, comprised of retail and office development, in addition to existing land uses. This represents the buildout condition that is the basis of all analyses in this PEIR. However, while this PEIR

However, apportionment of the City’s existing unit count among the six planning designations exposes a fundamental flaw in the draft general plan methodology.

5.3 cont.

To explain, for the Mixed-Use Core and Fair Oaks Corridor planning designations, the draft general plan subtracts a combined existing unit count of 4,044² from the combined realistic capacity of 5,964,³ for a combined projected growth of 1,920 units.⁴

But according to the housing element, these two planning designations have the lowest actual existing unit counts, with most parcels having 0 or 1 existing units. Filtering out Neighborhood Medium and Neighborhood High parcels, the actual combined existing unit count for the remaining Mixed-Use Core and Fair Oaks Corridor parcels is 497, according to Table VI-51.

Because redevelopment of Mixed-Use Core and Fair Oaks Corridor parcels would not affect the continued existence of housing units elsewhere, existing units in other planning designations cannot properly be subtracted from realistic capacity to determine projected growth.

² 2,217 (Mixed-Use Core) + 1,827 (Fair Oaks Corridor) = 4,044 (Combined Existing Unit Count).

³ 3,257 (Mixed-Use Core) + 2,707 (Fair Oaks Corridor) = 5,964 (Combined Realistic Capacity).

⁴ 1,040 (Mixed-Use Core) + 880 (Fair Oaks Corridor) = 1,920 (Combined Projected Growth).

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If the existing unit counts in Table VI-51 of the housing element are correct, 497 is the maximum existing unit count that could possibly be subtracted from realistic capacity, and the draft general plan is necessarily and improperly subtracting existing units from other planning designations to determine projected growth for the Mixed-Use Core and Fair Oaks Corridor planning designations.

When 497 existing units are subtracted from the 5,964 realistic capacity, the result is a projected growth of 5,467 units, not 1,920, a difference of 3,547 units. Assuming that the existing unit counts in Table VI-51 of the housing element are correct, Table B3.3 of the draft general plan understates projected growth by at least 3,547 units.

The accuracy of the existing unit counts in Table VI-51, however, is uncertain. It is not possible to determine an actual existing unit count for the Neighborhood Medium and Neighborhood High planning designations, as Table VI-51 of the housing element erroneously reports the existing unit count as 0 for every Neighborhood High parcel and as 1 for numerous Neighborhood Medium parcels that have multiple existing units according to the county assessor's parcel descriptions.

5.3 cont.

For example, parcel 5319037001 is identified in the housing element as a high density residential parcel with 0 existing units. However, there is a 20-unit apartment building on the parcel, according to the assessor's online portal (portal.assessor.lacounty.gov/parceldetail/5319037001).

These errors were brought to the City's attention at the same time as the adjustment error discussed in section 1.a. above. From the March 22, 2023 written comment:

The table undercounts existing housing units. For example, every listed site whose current land use is High Density Residential is incorrectly shown as having "0" existing units. This

The following recommendation was made in the same comment:

Every listed Medium Density Residential site and High Density Residential site whose existing unit count is shown as "0" or "1" is suspect and should be checked by searching the APN on the County Assessor's online portal (<https://portal.assessor.lacounty.gov/>). The existing unit count for each site should be updated as necessary.

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No changes were made to the draft housing element, and the response (published in the March, April, and May drafts of the housing element) speaks for itself:

- **How addressed:** City staff met with commenter on 3/24/23, prior to his final comment, to discuss his concerns. Staff acknowledged the limitations of the dataset that is used for the capacity analysis (Table VI-51). Data was pulled from our vendor's site and was not closely screened before building the new table. Staff also acknowledged the possibility of a formula

There is no analysis in the PEIR of the differing methodologies, no disclosure or analysis of the limitations of the dataset used for the housing element, and no reconciliation of the conflicting existing unit counts for the Mixed-Use Core and Fair Oaks corridor planning designations.

“Although perfection in preparing the EIR is not required, the agency must reasonably and in good faith discuss a project in detail sufficient to enable the public to discern the “analytic route” that the “agency traveled from evidence to action.” [Citations.]” *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 215-216.

Moreover, “[a] project description that gives conflicting signals to decision makers and the public about the nature of the project is fundamentally inadequate and misleading.” *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.

The City should amend the housing element as recommended in section 1.a. above (including the removal of Neighborhood Medium and Neighborhood High parcels from the housing element’s rezoning program), revise the draft general plan for consistency, and revise the PEIR accordingly, before these documents are reviewed by the Planning Commission and City Council.

If these recommendations are not accepted, the PEIR should provide detailed, reasoned analysis addressing the differing projection methodologies, the limitations of the dataset used for Table VI-51 of the housing element, the conflicting existing unit counts (especially the draft general plan's use of a 4,044 existing unit count for the Mixed-Use Core and Fair Oaks Corridor planning designations), the correlation if any between the draft general plan adjustments and the housing element adjustments, and the absence of any adjustment for the

5.3 cont.

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Neighborhood Low and Neighborhood Very Low planning designations in Table B3.2 of the draft general plan.

5.3 cont.

2. The PEIR Does Not Analyze Tenant Displacement Impacts.

There was no meaningful disclosure of tenant displacement impacts before the housing element was reviewed by the Planning Commission and City Council, and to the best of this commenter’s recollection, none was requested.

Also, Table VI-51’s erroneous reporting of the existing unit counts for Neighborhood Medium and Neighborhood High parcels makes it impossible to estimate displacement impacts from the information provided in that table.

The PEIR itself maintains that the magnitude and location of the tenant displacement that “could” occur is “speculative”:

The General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs call for the conservation of the City’s established residential neighborhoods. Thus, most of the residential land uses in the City are expected to remain in place. New residential development on the limited number of vacant lots in the City would not involve any displacement of housing; however, transitions to higher densities within the focus areas or those lots outside the focus areas that have been determined a possibility for redevelopment and currently contain residential land uses could result in displacement. However, the magnitude and location of any such displacements is speculative at this time due to lack of sufficient information.

5.4

On the contrary, the magnitude of tenant displacement that could result from redevelopment can be estimated by applying the PEIR’s assumed vacancy rate (5.5%) and persons per household (2.48) to the combined existing unit count for the Neighborhood Medium and Neighborhood High planning designations (as derived from Tables B3.2 and B3.3 of the draft general plan). The combined existing unit count represents the number of existing units that the draft general plan expects to be demolished and replaced during redevelopment.

Table B3.2 of the draft general plan projects a combined realistic capacity of 3,484⁵ housing units for the Neighborhood Medium and Neighborhood High planning designations. When the combined existing unit count of 2,679⁶ is subtracted, the combined projected growth is 805 units.

⁵1,610 (Neighborhood Medium) + 1,874 (Neighborhood High) =3,484 (Combined Realistic Capacity).

⁶ 1,260 (Neighborhood Medium) + 1,419 (Neighborhood High) = 2,679 (Combined Existing Units)

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Development of a condominium parcel would require unanimous agreement among the individual owners, so as a practical matter, few if any of the 2,679 existing units would be condominium units, and the displacement impacts would fall squarely on tenants residing in apartments.

Assuming a vacancy rate of 5.5% and 2.48 persons per household, 2,532 of the 2,679 existing units would be occupied by 6,279 tenants. Tenants comprise 53.5% of the PEIR’s assumed population of 25,580, for a total of 13,685.

In other words, the draft general plan projects that 25% of the City’s population, consisting of 46% of the City’s tenants, would be displaced by redevelopment of Neighborhood Medium and Neighborhood High parcels.

The location of tenant displacement is not speculative: it would occur in the Neighborhood Medium and Neighborhood High neighborhoods indicated on the draft general plan’s land use map. By contrast, redevelopment of Mixed-Use Core and Fair Oaks Corridor parcels (which can comfortably accommodate the entire RHNA allocation, buffer, and more) would result in little to no displacement of residential tenants.

Whether or not the response to this comment defends the draft general plan’s methodology and existing unit counts, the PEIR should quantify and analyze the Project’s impacts on residential tenants. If this recommendation is not accepted, the PEIR should provide detailed, reasoned analysis addressing the PEIR’s assertion that “the magnitude and location of any such displacements is speculative at this time due to lack of sufficient information.”

3. The PEIR Does Not Adequately Analyze Impacts On The Huntington Drive Corridor.

Table VI-51 is a mandatory component of the housing element with legal effect under the housing element law. Gov’t Code §65583(c)(1). The information provided in Table VI-51 is required by statute (Gov’t Code §65853.2(b), (g)(1), and (g)(2)) and by the terms of the settlement agreement in the *Californians for Homeownership, Inc. v. City of South Pasadena* housing element litigation:

5.5

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- iii. For every non-vacant site identified as a site for housing in the housing element, including sites identified for rezoning, the City will specifically identify, on a parcel-by-parcel basis, the information that it contends satisfies its obligations under 65583.2(g)(1) (for all non-vacant sites) and 65583.2(g)(2) (for non-vacant sites identified to provide lower-income housing).

In particular, Table VI-51 specifies a density of 70 units/acre for every parcel on Huntington Drive, regardless of planning designation. This has “No Net Loss” implications (see Gov’t Code 65853(b) and (g)) and implications for project approvals under the Housing Accountability Act (see Gov’t Code §65589.5(j)(4)).

Having specified a density of 70 units/acre for every parcel on Huntington Drive, including Neighborhood Medium and Neighborhood High parcels, the City is also obligated by the settlement agreement (and by Program 3.n. of the housing element) to include the parcels in a 2024 height limit ballot measure:

- iv. The housing element will contain (1) a program to seek, through voter approval by December 31, 2024, the repeal of the City’s 45-foot height limit as to at least any residential or mixed-use (including residential) project on the parcels for which the housing element anticipates a base density in excess of 50 units/acre; and (2) a program to complete a mid-cycle revision of the City’s housing element, reducing all for which the housing element anticipates a base density in excess of 50 units/acre sites to an assumed maximum density of 50 units/acre, within nine months in the event that the proposal is not approved by the City’s voters.

5.5 cont.

Although the draft general plan purports to establish lower densities of 30 units/acre for Neighborhood Medium parcels and 45 units/acre for Neighborhood High parcels citywide, the settlement agreement expressly requires inclusion of “the parcels for which *the housing element* anticipates a base density in excess of 50 units/acre” (emphasis added).

A density of 70 units/acre for Neighborhood Medium and Neighborhood High parcels on Huntington Drive is also consistent with Program 3.a. of the housing element, which provides that “the City will increase the allowable zoning within the Medium Density Residential zone to *at least* 30 dwelling units per acre (du/ac) and to *at least* 45 du/ac within the High Density Residential zone” (emphasis added).

Therefore, unless the housing element is amended, the City is obligated to implement the 70 units/acre density specified in Table VI-1 by adopting a consistent general plan amendment. Gov’t Code §§65300.5, 65583(c)(8); see

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generally *Friends of Aviara v. City of Carlsbad* (2012) 210 Cal.App.4th 1103. (It should be noted that if adopted by the City Council, the draft general plan would not satisfy this obligation.)

In short, the density specified in Table VI-51 of the housing element is fixed and may not be modified except through a formal amendment process.

5.5 cont.

If any parcel with a specified density greater than 50 units/acre is omitted from the 2024 height limit ballot measure, the City would be in violation of the settlement agreement. The PEIR should not assume that the City will violate the settlement agreement and should instead provide adequate analysis of the impacts of the Project on the Huntington Drive corridor.

4. The PEIR Should Further Analyze The Distributed Housing Alternative.

Section 4.2.3 of the PEIR identifies a “Distributed Housing Alternative” that would “[demonstrate] the City’s capacity to support the Project’s 2,775 housing units, at different income levels, by identifying housing sites that are more evenly distributed throughout the City instead of concentrating residential capacity at higher intensities primarily in the strategic focus areas near the Metro A Line and arterial roadways.”

The main differences between the Project and the Distributed Housing Alternative would be “(1) substantive changes in residential densities within more established neighborhoods [i.e., single-family residential neighborhoods] and (2) targeting open space and other undeveloped spaces for housing.”

5.6

The PEIR observes that the Distributed Housing Alternative would “lead to a reduced ability to preserve existing housing stock” and “would not achieve many of the Project objectives identified above.” The PEIR mentions various impacts (e.g. increased pollutants, changes to existing visual conditions, potentially increased effect on historic resources) and states that the alternative “would not reduce any identified significant and unavoidable impacts of the Project and would worsen several impact categories.” Last, the PEIR states that based on “community input,” the Distributed Housing Alternative is “not preferable” to the Project’s proposed pattern of housing development.

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The PEIR concludes as follows: “Therefore, the Distributed Housing Alternative has been eliminated from detailed consideration, and further analysis of this alternative in this PEIR is not required.”

Notably, the PEIR does not expressly state that the Distributed Housing Alternative is infeasible. Cal. Code Regs. tit. 14, §15126.6(a). But not only is the Distributed Housing Alternative feasible, it was the only legally-compliant alternative identified during the multi-year housing element planning process.

The PEIR should further analyze the Distributed Housing Alternative. Cal. Code Regs. tit. 14, §15126.6. If this recommendation is not accepted, the PEIR should provide detailed, reasoned analysis addressing the feasibility of Distributed Housing Alternative, both now and in 2024 if the height limit ballot measure fails, and a mid-cycle revision of the housing element is compelled.

5.6 cont.

In any event, failure of the ballot measure is an inherent possibility of the Project, and its impacts should be analyzed by the PEIR. If there is a feasible, legally-compliant alternative other than the Distributed Housing Alternative for a mid-cycle housing element revision, the PEIR should identify and analyze it.

Thank you for your consideration.

Very Truly Yours,

Ed Elsner

Response to Comment Letter 5

Ed Elsner (Elsner 1)
September 6, 2023

Response 5.1. As detailed in Responses 5.2 through 5.6 below, the Draft PEIR fully complies with CEQA and the State CEQA Guidelines with regard to providing a clear and accurate scope of the Project, analyzing tenant displacement impacts, impacts on the Huntington Drive Corridor, and the scope of alternatives analyzed including no analysis of a distributed housing alternative.

Response 5.2. As a preliminary matter, the Project analyzed in the PEIR does not include the action for adoption of the Housing Element, which occurred previously on May 30, 2023. In conjunction with the adoption of the Housing Element, an Environmental Assessment was prepared pursuant to the provisions of Government Code Section 65759 and adopted by the City Council. The Project for purposes of the PEIR includes the General Plan Update, the Downtown Specific Plan, and certain ordinance amendments implementing the Housing Element that were also covered by the previously adopted EA.

As discussed during the public hearing process, and in the PEIR, potential residential development (and population) projections in the General Plan Update were adjusted based on professional judgment of the City’s expert planning consultant and experience related to realistic implementation of similar planning documents. While staff has acknowledged the need to correct aspects of Housing Element Table VI-51, that would be a separate Housing Element amendment process to address the internal consistency issues of the Housing Element and would involve public participation. Staff has acknowledged there is internal inconsistency within the adopted Housing Element. This is the result of five rounds of draft documents, which required expedient reconciliation. The City is aware of the errors presented in Table VI-51 and intends to correct these errors through a formal Housing Element amendment process. It is important to note that the Housing Element is a required component of the General Plan that includes policies and actions, but it does not define or control “development capacity” as suggested by the comment. That is the function of the Land Use Element (i.e., Our Well Planned Community chapter) of the General Plan Update.

The errors in Table VI-51 do not create a fatal flaw in the City’s rezoning program, Draft General Plan Update, or an undisclosed impact in the Draft PEIR. The City’s rezoning program includes restored capacity in the RM and RH zones at a density “deemed appropriate to accommodate housing for lower income households”, at least 30 units per acre consistent with California Government Code Section 65583.2(c)(3)(B)(iv) and adopted Housing Element policy. It also creates new opportunities for residential development by allowing mixed-use and 100 percent residential projects in traditionally commercial areas. The reasonable development adjustments were applied consistently to the General Plan projections and the Housing Element projections, resulting in proposed development capacity in line with the City’s RHNA requirement plus a reasonable buffer, even if there is the appearance of overzoning; these consistent development projections served as the basis for the project analyzed in the Draft PEIR. The California State Department of Housing and Community Development (HCD) guidelines recommend over-zoning at a rate of 15 to 30 percent to compensate for development constraints. In other words, over zone to achieve a realistic development capacity. As such, the project description and assumptions underlying the project description are consistent and stable as required by CEQA.

The City of South Pasadena worked closely with HCD reviewers to develop a comprehensive approach to addressing our RHNA requirement. Our Draft General Plan must implement the complete slate of programs necessary to increase housing capacity, including the restoration of

density in RM and RH zones. The creation of a Specific Plan (i.e., the DTSP) for a traditionally commercial area that allows mixed-use development is a strong step towards increasing predictability and capacity for housing development. However, there is currently no time-tested formula for impact analysis for new residential uses in commercial zones. Therefore, at the broad, program level addressed in the PEIR, it is necessary to determine the realistic capacity of potential growth during the General Plan time horizon by using the adopted Housing Element capacity of 2,775 as the basis for assessment.

Using existing multi-family zones and commercial corridors to accommodate additional housing growth is consistent with SCAG’s 2020–2045 RTP/SCS, also known as “Connect SoCal”, and its sustainable planning model and facilities impact analysis. There is no evidence presented that would suggest a different environmental impact outcome. No changes to the Draft PEIR will be made as a result on this comment.

Response 5.3. As note in Response 5.2 above, the Project analyzed in the PEIR does not include the action for adoption of the Housing Element, which occurred previously on May 30, 2023. In conjunction with the adoption of the Housing Element, an Environmental Assessment was prepared pursuant to the provisions of Government Code Section 65759 and adopted by the City Council. The Project for purposes of the PEIR includes the General Plan Update, the Downtown Specific Plan, and certain ordinance amendments implementing the Housing Element that were also covered by the previously adopted EA.

As noted in Response 5.2, the City’s rezoning program includes restored capacity in the RM and RH zones at a density “deemed appropriate to accommodate housing for lower income households”, at least 30 units per acre consistent with California Government Code Section 65583.2(c)(3)(B)(iv) and adopted Housing Element policy. It also creates new opportunities for residential development by allowing mixed-use and 100 percent residential projects in traditionally commercial areas. The California State Department of Housing and Community Development (HCD) guidelines recommend over-zoning at a rate of 15 to 30 percent to compensate for development constraints. In other words, over zone to achieve a realistic development capacity. However, there is currently no time-tested formula for impact analysis for new residential uses in commercial zones. Therefore, at the broad, program level addressed in the PEIR, it is necessary to determine the realistic capacity of potential growth during the General Plan time horizon by using the adopted Housing Element capacity of 2,775 as the basis for assessment. There is no evidence presented that would suggest a different environmental impact outcome. No changes to the Draft PEIR will be made as a result on this comment.

Response 5.4. The environmental checklist in Appendix G of the State CEQA Guidelines, CEQA and the State CEQA Guidelines, and relevant case law are the overriding determinants of the scope of a CEQA document’s analysis. Pursuant to the State CEQA Guidelines, “tenant displacement” would be addressed under the following threshold question: “Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?” Section 15131(a) of the State CEQA Guidelines states: “Economic or social effects of a project shall not be treated as significant effects on the environment”. The Draft PEIR acknowledges that existing residential uses and persons residing in these units may be displaced through implementation of the Project. However, because CEQA and the State CEQA Guidelines are concerned solely with physical, environmental effects, the analysis of the potential for displacement of existing persons or housing is focused on the potential for environmental effects should this displacement necessitate construction of replacement housing.

Accordingly, as discussed beginning on page 3.12-23 in Section 3.12, Population and Housing, of the Draft PEIR:

“As discussed above, the 2021–2029 Housing Element Implementation Programs have the need for 2,775 DUs across the four income levels defined by HCD. The new residential, and non-residential, uses are anticipated to occur primarily as infill redevelopment or development in the five focus areas; however, suitable sites for development or redevelopment of housing are identified outside of the focus areas. There are existing residential and mixed-use (i.e., retail ground floor with residential above) land uses within the focus areas. Therefore, there is a potential that existing residential uses would be removed to accommodate new development. The locations of future redevelopment projects, and, by extension, the precise number of existing housing units and people that may be displaced cannot be reasonably foreseen and would be speculative to define at this time.

As noted above, Section 36.530.020 of the SPMC describes requirements for tenant notification, consistent with the Subdivision Map Act, and preparation of a Relocation Assistance Program by the Applicant for a development project involving conversion of residential use as a condominium or other common interest development. Where a development that would involve conversion of residential uses is due to a program or project undertaken by a public entity, the development process must be conducted in compliance with the California Relocation Assistance Act. This includes adequate notification of affected properties and provision of fair compensation and relocation assistance. This State law requires public agencies to provide procedural protections and benefits when they displace businesses, homeowners, and tenants in the process of implementing public programs and projects. Additionally, the California Housing Crisis Act (SB 330) discussed further above, to streamline residential development also includes requirements relevant to displacement of houses or people as a result of site redevelopment. Specifically, for SB 330 to be applicable to a project, the replacement project must have at least as many units as will be demolished; may not demolish protected units (as defined by SB 330) unless those units will be replaced in accordance with the statutory requirements; include the right to occupy units to be demolished up to six months before construction; include the right to return at prior rental rates if the project doesn't proceed; Applicant provides relocation benefits; and provides first right of refusal to a comparable unit in the new development.

However, displacements that may occur would not necessitate construction of housing elsewhere, as a net increase in housing would be accommodated in the City. As such, there would be no impact under this threshold because there would be no indirect environmental impact from construction of housing elsewhere.”

The analysis of tenant displacements as discussed and requested in Comment 5.4 is not appropriate or required as part of the Draft PEIR. No changes to the Draft PEIR will be made as a result on this comment.

Response 5.5. As discussed in Response 5.2, the City acknowledges the need to undertake a Housing Element Amendment to address the issues with Table VI-51 and intends to do so as quickly as possible through a formal Housing Element amendment process. One of the errors in Table VI-51 involves the improper indication that the densities in the RM and RH zoned areas in the Ostrich Farm and Huntington Drive areas would all be increased to 70 dwelling units per acre. The 70 du/acre density as reflected in Table VI-51 is not consistent with other references to the increased RM and RH densities and correction of Table VI-51 would, among other things, correct

this internal consistency within the adopted Housing Element. The proposed land use and zoning densities in the Project (i.e., General Plan Update and DTSP Update and rezoning) follow Housing Element program 3.a. and change the densities in the RM and RH zones to densities of 30 du/acre and 45 du/acre respectively. This is what was studied in the PEIR. The approach of commencing a Housing Element amendment to address the Table VI-51 issues and internal Housing Element inconsistencies is an appropriate approach and similar to the approach taken, and upheld by the Court, in the cited *Friends of Avilara v. City of Carlsbad* case where city of Carlsbad had identified an appropriate timeline to resolve a housing element / land use element conflict.

The errors in Table VI-51 do not create a fatal flaw in the City's rezoning program, Draft General Plan Update, or an undisclosed impact in the Draft PEIR. The City's rezoning program includes restored capacity in the RM and RH zones at a density "deemed appropriate to accommodate housing for lower income households", at least 30 units per acre consistent with California Government Code Section 65583.2(c)(3)(B)(iv) and adopted Housing Element policy. It also creates new opportunities for residential development by allowing mixed-use and 100 percent residential projects in traditionally commercial areas. HCD guidelines recommend over-zoning at a rate of 15 to 30 percent to compensate for development constraints. In other words, over zone to achieve a realistic development capacity. Using existing multi-family zones and commercial corridors to accommodate additional housing growth is consistent with SCAG's 2020–2045 RTP/SCS, also known as "Connect SoCal", and its sustainable planning model and facilities impact analysis. There is no evidence presented that would suggest a different environmental impact outcome. No changes to the Draft PEIR will be made as a result on this comment.

Response 5.6. As presented on PEIR page 4-1 discussing the State CEQA Guidelines' basis for selection of alternatives, "Section 15126.6(a) states:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project [emphasis added], and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason [emphasis added]."

As discussed beginning on PEIR page 4-5, a distributed housing growth alternative would not meet many of the Project objectives and most importantly would be expected to have increased impacts related to many environmental topics. Additionally, this pattern of growth stands in opposition to the express preferences of the South Pasadena community. For these reasons alone, this alternative is not feasible or reasonable to address and be considered to meet the requirements of CEQA and the State CEQA Guidelines.

As presented beginning on PEIR page 4-4, "Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to

avoid significant environmental impacts.” Accordingly, an alternative need not meet all three factors listed herein to be eliminated from detailed consideration.

Finally, 15126.6(f) states [emphases added]:

- (f) Rule of reason. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

Accordingly, under this rule of reason an alternative that would demonstrably result in new or more significant impacts related to air quality, GHG emissions, transportation, aesthetics, historic resources, and noise should not be included for detailed consideration. As stated on PEIR page 4-6, “this alternative would not reduce any identified significant and unavoidable impacts of the Project and would worsen several impact categories.” Consistent with Section 15126.6(f), the rule of reason concludes this alternative is infeasible. Furthermore, no substantial evidence is presented in this comment to demonstrate why a distributed housing alternative is feasible in light of the whole record and the foregoing discussion.

The following edit has been included in the Final PEIR on page 4-6, with changes in text signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added:

Therefore, the Distributed Housing Alternative **would be infeasible and** has been eliminated from detailed consideration, and further analysis of this alternative in this PEIR is not required.

These revisions reflect minor updates or clarifications to the content of the PEIR, and thus do not represent material changes or revisions that modify impact conclusions disclosed in the Draft PEIR. The Draft PEIR analyzes a reasonable range of alternatives consistent with CEQA and the State CEQA Guidelines, including Section 15126.6 et. seq.; no further changes to the Draft PEIR are warranted as a result of this comment.

Letter 6

Ed Elsner
1708 Milan Ave.
South Pasadena, CA 91030
edelsner44@gmail.com
(626) 233-1543

September 6, 2023

Ms. Alison Becker
Deputy Director of Community Development
1414 Mission Street
South Pasadena, California 91030
VIA EMAIL (CDD@southpasadenaca.gov) ONLY

Elsner2

Dear Ms. Becker,

Please accept for consideration this supplemental comment on the environmental analysis presented in the Draft Program Environmental Impact Report (“PEIR”) for the General Plan and Downtown Specific Plan Update & 2021–2029 Housing Element Implementation Programs (“Project”).

6.1

This supplemental comment is being submitted in an abundance of caution to expand on the discussion of existing unit counts in my original comment submitted via email earlier today. Pub. Resources Code, § 21177; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 347.

Upon closer inspection of Table VI-51 of the housing element, the table erroneously states the existing unit counts for numerous listed Downtown Specific Plan parcels as 1, thereby resulting in a corresponding understatement of the anticipated development capacity for these parcels.

6.2

For example, the Trader Joe’s parcel at 613 Mission Street (APN 5313007043) is identified as having 1 existing unit. While there may be a single structure on this (and other commercial parcels listed in the table), if the structure is not a housing unit it should not be considered in the determination of anticipated development capacity.

Ms. Alison Becker
September 6, 2023
Page 2

A reduction in the number of existing units means an increased anticipated development capacity for these parcels. My original comment assumed a 497 existing unit count for the Mixed-Use Core and Fair Oaks Corridor planning designations, based on the information provided in Table VI-51. Most likely, the actual existing unit count is significantly lower, and the anticipated development capacity is significantly higher for these planning designations.

6.2 cont.

To the extent that the Project description in the PEIR is based on the erroneous existing unit counts in Table VI-51 of the housing element, including but not limited to overstated existing unit counts for Downtown Specific Plan parcels, the PEIR fails to disclose the true scope of the Project.

Thank you for your consideration.

Very Truly Yours,

Ed Elsner

Response to Comment Letter 6

Ed Elsner (Elsner 2)
September 6, 2023

Response 6.1. This comment providing introductory remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 6.2. Please refers to the responses to comment letter above regarding the adequacy of the PEIR’s analysis of the General Plan Update, DTSP, and certain Housing Element implementation actions; and note that the Project analyzed in the PEIR does not include the action for adoption of the Housing Element, which occurred previously on May 30, 2023. In conjunction with the adoption of the Housing Element, an Environmental Assessment was prepared pursuant to the provisions of Government Code Section 65759, and adopted by the City Council. The Project for purposes of the PEIR includes the General Plan Update, the Downtown Specific Plan, and certain ordinance amendments implementing the housing Element that were also covered by the previously adopted EA.

Staff has acknowledged there is internal inconsistency within the adopted Housing Element. This is the result of five rounds of draft documents, which required expedient reconciliation. The City is aware of the errors presented in Table VI-51 and intends to correct these errors through a formal Housing Element amendment process. It is important to note that the Housing Element is a required component of the General Plan that includes policies and actions, but it does not define or control “development capacity” as suggested by the comment. That is the function of the Land Use Element (i.e., Our Well Planned Community chapter) of the General Plan Update.

The errors in Table VI-51 do not create a fatal flaw in the City’s rezoning program, Draft General Plan Update, or an undisclosed impact in the Draft PEIR. The City’s rezoning program includes restored capacity in the RM and RH zones at a density “deemed appropriate to accommodate housing for lower income households”, at least 30 units per acre consistent with California Government Code Section 65583.2(c)(3)(B)(iv) and adopted Housing Element policy. It also creates new opportunities for residential development by allowing mixed-use and 100 percent residential projects in traditionally commercial areas. The California State Department of Housing and Community Development (HCD) guidelines recommend over-zoning at a rate of 15 to 30 percent to compensate for development constraints. In other words, over zone to achieve a realistic development capacity.

The City of South Pasadena worked closely with HCD reviewers to develop a comprehensive approach to addressing our RHNA requirement. Our Draft General Plan must implement the complete slate of programs necessary to increase housing capacity, including the restoration of density in RM and RH zones. The creation of a Specific Plan (i.e., the DTSP) for a traditionally commercial area that allows mixed-use development is a strong step towards increasing predictability and capacity for housing development. However, there is currently no time-tested formula for impact analysis for new residential uses in commercial zones. Therefore, at the broad, program level addressed in the PEIR, it is necessary to determine the realistic capacity of potential growth during the General Plan time horizon by using the adopted Housing Element capacity of 2,775 as the basis for assessment.

Using existing multi-family zones and commercial corridors to accommodate additional housing growth is consistent with SCAG’s 2020–2045 RTP/SCS, also known as “Connect SoCal”, and its

sustainable planning model and facilities impact analysis. There is no evidence presented that would suggest a different environmental impact outcome. No changes to the Draft PEIR will be made as a result on this comment.

Letter 7

Mark Gallatin
 Via Email
 September 6, 2023

Gallatin

<p>Page 3.4-4, 3rd and 4th paragraphs: The 2017 Survey was never adopted by the City Council and therefore should not be relied upon for making determinations of historic resource status. The 2002 Inventory is the governing document until such time the Council adopts either the 2017 Survey or a subsequently prepared one.</p>	<p>7.1</p>
<p>Page 3.4-6, bottom of page: Since the 2017 Survey, an 11th district, the Rollin Street Craftsman Cluster, has been designated.</p> <p>Page 3.4-7, 1st sentence: With the addition of the Rollin Street Craftsman Cluster, the number of contributing properties to designated historic districts has increased from 236 to 241.</p> <p>Page 3.4-27, Section 3.4.6, Threshold 3.4a, 1st paragraph: There are currently 11 designated historic districts containing a collective total of 241 contributing properties.</p>	<p>7.2</p>
<p>Page 3.4-25, Action 8.13b: This action calls for elimination from the Cultural Resources Inventory any addresses no longer containing a historic resource, based on field verification and/or research, <i>following the recommendations of the 2017 Survey Report</i> (italics added). Great care needs to be exercised in implementing this action. An earlier draft of the 2017 Survey Report had recommended eliminating approximately one third, roughly 900 addresses, of properties from the inventory. After concerns about the scale of the proposed elimination and methodology used were raised by the local preservation community, the report was revised to keep these addresses in the inventory and to carry forward their historic resource code status. The methodological basis for originally recommending the removal of these addresses was that field observations indicated that the historic resource on the property had been "altered". Such a recommendation for removal may be appropriate where the "alteration" in question was done without the approvals required by the City's preservation ordinance and therefore presumably done without complying with the Secretary of the Interior's Standards. Where care needs to be exercised though is that in some, if not most, cases, the "alteration" had received approval from the Cultural Heritage Commission (CHC) per the requirements of the city's preservation ordinance. Alterations approved by the CHC are de facto compliant with the Secretary's Standards because such compliance is necessary in order for the Commission to make the required findings for approval. Therefore it is logically impossible to argue that alterations to historic resources that were approved per the city's required process have invalidated the eligibility of the resource for historic status.</p> <p>Where implementation of this action may find that an area does not qualify as a historic district but nonetheless contains a cohesive collection of related properties that, considered together, are of interest to local planning, rather than simply eliminating such properties, tools such as the concept of a "Conservation Overlay Zone" (or "COZ") as used in other communities, should be considered. A Conservation Overlay Zone is not a historical resource pursuant to CEQA, but may still be a valuable planning tool to preserve neighborhood character.</p>	<p>7.3</p>
<p>Page 3.4-27, 2021-2029 Housing Element: While the PEIR correctly states that there are no Housing Element goals or policies directly related to cultural or tribal cultural resources, there is at least one which tangentially may have an impact on cultural resources. This is the implementation of SB 9. This state law allows property owners to build up to two residential units on properties currently zoned RS or RE and/or split their lot into two separate parcels. SB</p>	<p>7.4</p>

9 explicitly exempts properties that are "within a site that is **designated or listed as a city** or county landmark or **historic property** or district **pursuant to a city** or county **ordinance.**" (boldface added).

Page 2 of the City's Draft Housing Element, released in May of this year, states "The City will need to clarify and provide information for the community regarding properties located in the City's many historic districts to which the new provisions do not apply." As such, it must be determined whether or not the exemption found in SB 9 applies to all properties listed on the South Pasadena Cultural Resources Inventory. The time to clarify and provide information about how implementation of SB 9 relates to historic properties in the city is now and not after the plans have been adopted and put into effect. The choice between accommodating critically needed new housing and preserving the historic resources that give South Pasadena its unparalleled charm should not be an either/or one. Having a definitive answer to this question will provide needed certainty for the owners of properties on the Inventory and for the community at large.

7.4 cont.

Page 3.4-8, Table 3.4-2, last row: Change “Via Marison” to “Via Marisol”.

Page 3.4-18, Sacred Lands File Search, 1st sentence: Change “made on of” to “made of”.

Page 3.4-27, Policy P3.7: Delete “f.” at end of sentence.

Page 3.4-28, 2nd paragraph: Change “predicated” to “predicated on”.

Page 3.4-29, 2nd paragraph: Change “sssresources” to “resources”.

Page 3.4-29, 3rd paragraph: Change “hosing” to “housing”.

7.5

Response to Comment Letter 7

Mark Gallatin (Gallatin)
September 6, 2023

Response 7.1. City staff agrees that the 2002 inventory is the last formally adopted inventory by City Council. The *Citywide Historic Resources Survey* (Survey) prepared by Historic Resources Group (HRG) and dated June 20, 2017 (2017 Survey) included additional information that was useful in the preparation of the Program EIR. The 2017 Survey is a valid source of information regardless of its adoption status for purposes of summarizing known and potential historic resources at a Citywide, programmatic level. Additionally, a more recent resource is preferable to an older resource for an issue that changes over time, such as historic resource status and eligibility, as the basis of summarizing the existing setting for a topic. In response to this comment, the following text changes have been incorporated into the Draft PEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added.

Page 3.4-1 in Section 3.4, Cultural and Tribal Cultural Resources

This section analyzes cultural resources (historic, archaeological, and tribal cultural) impacts with implementation of the proposed General Plan and Downtown Specific Plan (DTSP) Update & 2021–2029 Housing Element Project. Information in this section is derived from historic resources research and analysis conducted by Architectural Resources Group and based in part of the City’s Citywide Historic Resources Survey prepared by Historic Resources Group (HRG) and dated June 20, 2017 (2017 Survey), a historic and archaeological records search conducted by the South Central Coastal Information Center (SCCIC) on August 17, 2020 (Appendix C-1), Senate Bill (SB) 18 and Assembly Bill (AB) 52 outreach records regarding tribal cultural resources conducted by the City (Appendix C-2), and review of recent California Environmental Quality Act (CEQA) documentation for City of South Pasadena projects. **While the 2017 Survey has not been formally adopted, it is used as a source of information on the existing setting for historic resources in this PEIR. The historic status of individual properties involved in future development proposals would be considered on a case-by-case basis pursuant to local, State, and federal regulations in place at that time.**

These revisions reflect minor updates or clarifications to the content of the PEIR, and thus do not represent material changes or revisions that modify impact conclusions disclosed in the Draft PEIR.

Response 7.2. In response to this comment, the following text changes have been incorporated into the Draft PEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added.

Page 3.4-6 in Section 3.4, Cultural and Tribal Cultural Resources

The 2017 Survey also identifies ten designated historic districts in the City. **Since the 2017 Survey, an 11th district has also been designated, for a total of eleven historic districts in the City. The historic districts are as follows:**

- Arroyo Seco Parkway Historic District (NRHP);
- Buena Vista Historic District (City);

- El Centro/Indiana/Palm Historic District (City);
- Mission West/Historic Business District (NRHP);
- North of Mission Historic District (CRHR);
- Oak/Laurel Historic District (City);
- Oaklawn District/Oaklawn District Addition (NRHP);
- Prospect Circle Historic District (City);
- Ramona Craftsman District (City); **and**
- South of Mission Historic District (CRHR); **and**
- **Rollin Street Craftsman Cluster**

Page 3.4-7 in Section 3.4, Cultural and Tribal Cultural Resources

Collectively, the The 2017 Survey identifies 236 contributing properties within South Pasadena’s ten historic districts. Additionally, in June of 2020, the Rollin Craftsman Cluster District, a small cluster of five contributing properties (1500, 1506, 1507, 1510, and 1512 Rollin Street) was designated by the City Council as a historic district. Collectively, the City identifies 241 contributing properties within the City’s eleven historic districts.

Page 3.4-27 in Section 3.4, Cultural and Tribal Cultural Resources

As discussed above and articulated in the 2017 Survey, the City is a community that has numerous designated historical resources. At present there are 61 designated individual resources, **40 11** designated historic districts containing a collective total of **236 241** contributing properties, and 2,257 additional properties that have been identified as potentially eligible historical resources. In total, there are 2,718 properties (designated and potential resources at the federal, State, and/or local level) in the City that possess, or may possess, historical merit. All the five focus areas include one or more parcels that are designated or potentially historic, either as individual resources or contributors to a district.

These revisions reflect minor updates or clarifications to the content of the PEIR, and thus do not represent material changes or revisions that modify impact conclusions disclosed in the Draft PEIR.

Response 7.3. This comment providing comments on Action 8.13b is acknowledged. Staff will consult with the Cultural Heritage Commission before action is taken to initiate Action 8.13b to ensure that properties that have been altered through a Certificate of Appropriateness from the CHC continue to have historic resource status and that there is agreement on the methodology used to evaluate the balance of the resources in question before any revision is undertaken. Further, staff agrees that there are other planning tools that can be used to protect neighborhood character that could be deployed to address areas that no longer rise to the level of cohesion needed to designate as local historic districts. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 7.4. The comment is noted. Housing Element Program 3.m calls for development of an ordinance for implementation of Senate Bills 9 and 10, with a deadline of 24 months after adoption of the Housing Element and thus is not part of the current implementation effort. As part of development of that ordinance, limitations on the applicability of SB 9 to historic districts and properties would be taken into account, along with other considerations pursuant to the statutes. Specifically, SB 9 provides to be eligible, the project must not be “located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.” (Govt. Code Section 65852.21(a)(6.); see also Govt. Code Section 66411.7(a)(3)(E).)

Response 7.5. In response to this comment, the following text changes have been incorporated into the Draft PEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added.

Table 3.4-2 on page 3.4-8 in Section 3.4, Cultural and Tribal Cultural Resources

LA-06385	2001	Section 106 Review for 5568 Via Marison <u>Marisol</u> Avenue Arroyo Seco Park Historic District Los Angeles, Ca	Historic Resources Group
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Page 3.4-18 in Section 3.4, Cultural and Tribal Cultural Resources

An inquiry was made ~~on~~ of the NAHC on July 10, 2020, to request a review of the Sacred Lands File (SLF) database regarding the possibility of Native American cultural resources and/or sacred places in the Project vicinity that are not documented on other databases. The NAHC completed its SLF search on July 15, 2020. The results from the NAHC Sacred Lands Files search for the Project site was positive, meaning one or more Native American sacred sites are documented within or near the City. The locations and other details of sacred sites are kept confidential in order to protect the sites.

Page 3.4-27 in Section 3.4, Cultural and Tribal Cultural Resources

P3.7 Support and ensure restoration and reuse of the historic Rialto Theater. ~~f.~~

Page 3.4-28 in Section 3.4, Cultural and Tribal Cultural Resources

Since the City is an established community that was largely built out by World War II, the number of properties dating to the post-war era and more contemporary periods of history is generally less than other municipalities in Southern California. The survey upon which the 2017 Survey is predicated **on** accounted for resources that were constructed through the year 1972. It is possible that, over time, there will be additional resources within the City that possess potential historical significance but are not currently identified in the 2017 Survey. One of the new provisions in the Cultural Preservation Ordinance updated in 2017 is to allow the Cultural Heritage Commission to review any proposed demolition of structures not listed in the 2017 Survey and greater than 45 years old. Properties may be determined to be eligible for listing as a historic resource based on various criteria, including properties that:

Page 3.4-29 in Section 3.4, Cultural and Tribal Cultural Resources

The General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs** policies and actions listed above also encourage the identification and documentation of contemporary resources, significant landscape features, ethnic and cultural resources, and other resource types. The General Plan Update includes a policy that directs the City to establish an updated Inventory, in the future, to clarify which properties are considered to be cultural ~~ssresources~~ **resources**. Updating the 2017 Survey would ensure that resources that come of age over time are accounted for; it also calls for the development of theme studies relating to the history of locally significant cultural groups. Another General Plan Update policy accounts for landscapes by promoting the conservation of older historic landscapes and natural features that contribute to the character of historic districts and landmarks. General Plan and DTSP Update policies advocate for the promotion of the City’s historical resources and its arts, cultural, and heritage attractions and the dissemination of information about these resources and attractions to City residents and members of the general public. These policies and actions are intended to augment awareness about the City’s history and significant elements of its historic built environment. Enhancing awareness of local historical resources is anticipated to foster a sense of appreciation and civic pride, which in turn would aid in preventing their extensive alteration or demolition.

As discussed above, without safeguards it is possible that development under the General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs** could result in substantial adverse changes to historical resources. In the instance that a project results in the demolition of a historical resource, or substantial alterations to a historical resource that are not in conformance with the Standards, a significant impact would occur. Unless it is possible to relocate the resource in question to an appropriate receiver site, demolition is generally considered to be a significant unavoidable impact. ~~However, the~~ **The** City’s policies would facilitate the required increased ~~housing~~ **housing** opportunities,

These revisions reflect minor updates or clarifications to the content of the PEIR, and thus do not represent material changes or revisions that modify impact conclusions disclosed in the Draft PEIR.

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From: Clarice & Harry <
Sent: Wednesday, September 6, 2023 4:38 PM
To: CDD <CDD@southpasadenaca.gov> **Subject:**
 PEIR Comments

Letter 8

Knapp

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Alison,

Page 324 - Program 3.a - **Rezone and Redesignate Sites to Meet RHNA** The City will re-designate and rezone the parcels listed in Tables VI-50 and **VI-51** within the 6th Cycle (2021–2029) Housing Element to address the shortfall of suitably-zoned sites for the lower income RHNA. As part of this rezoning, to improve housing mobility and increase new housing choices and affordability in higher resource or relatively higher income areas, the City will increase the allowable zoning within the Medium Density Residential zone to at least 30 DUs/acre and to at least 45 DUs/acre within the High Density Residential zone.

8.1

Table VI-51 is the 41 pages of APN numbers with the already upzoned parcels. Does the PEIR mean zones for the RHNA allotment and buffer numbers only? Was the Table VI-51 an exercise to find alternate sites if projects fell through or was it to upzone every parcel in town for the maxed-out 24,000 units?

8.2

Have property owners been consulted as to their zoning designation?

8.3

Additional zoning capacity will be achieved along the City’s arterial corridors **either through inclusion within the DTSP** or through a **zoning overlay district**. Allowable densities within these areas will be 70 DUs/acre, except for the Fair Oaks zone within the DTSP, which will be 110 DUs/acre. In addition, **comparable Zoning Code revisions outside of the DTSP area will implement this program**. The types of standards and processes that will or may need revising include height limits, open space standards, parking requirements, and findings for design review.

8.4

I have not found an Exhibit that shows an overlay zone. The PEIR mentions an Affordable Housing Overlay Zone but how is this different from the Inclusionary Housing Ordinance?

8.5

From the Draft PEIR Program 2.n – **Citywide Height Limit Ballot Initiative**
 The measure may either eliminate the height limit for these parcels entirely or be replaced by a new height limit localized in the areas of increased density to stated density goals. If the height limit is replaced, the new limit will be **no less than 84 feet** to achieve the densities identified in the DTSP.

8.6

This is a **“heads I win, tails you lose”** statement disregarding if the 45’ height limit is retained, no other options being considered. The **Form Based Code** that Kaizer Ringwala posed certainly provided realistic and appreciated alternatives to the above statement.

From the Final Housing Element p 240
 • **Historic or Historic District:** Site that are historic or located in a historic district are anticipated to be half as likely to be developed than non-historic sites. Properties that are historic or are located in a historic district are required to be reviewed by the City’s Cultural Heritage Commission and are required to fulfill certain requirements as described in Section 6.5.2, Governmental Constraints, of the Housing Element. Because of these added constraints, historic properties are given a 50% development capacity adjustment.
The landmark designation of an historic property or District does not need an incentive to lure development capacity as this statement suggests. There are still landmarks listed in Table VI-51 as well as Edison sub-stations.

8.7

From the Draft PEIR p 169

Potential Historical Resources

The 2017 Survey also identifies 2,257 resources in the City that have been determined potentially eligible for listing through survey evaluation, as follows (some resources are in more than one category):

- 62 potential historic districts; • 1,846 contributors to potential historic districts; • 603 individually eligible properties; • 21 individual properties that may be eligible, but were not visible from the public right-of-way at the time of the 2017 survey; • 7 individual properties that merit special consideration in local planning; and • 64 individual properties that need to be reevaluated. It is noted that 173 properties were identified as both individually eligible and as a district contributor. A complete list of all potential historical resources within the City is included in the 2017 Survey.

8.8

The South Pasadena Preservation Foundation letter of August 21, 2023 respectfully requested a formal City Attorney’s opinion as to SB 9 protections for historic properties, districts (11 of them not 10) and the City Cultural Resources Inventory, please refer to their letter of that date.

8.9

Thank you as always for your attention to these comments,
Clarice Knapp

Response to Comment Letter 8

Clarice and Harry Knapp (Knapp)
September 6, 2023

Response 8.1. This comment providing a summary of proposed zoning is acknowledged. Table VI-51 was created to illustrate the total possible capacity of the City’s re-zoning program. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.2. The proposed General Plan does not propose to add 24,000 new dwelling units. The City's RHNA requirement is 2,067 units, and in order for the City's Housing Element to be eligible for State approval, the City had to add a buffer to that number, for a total of 2,775 new units. The current General Plan must accommodate the 2,775 additional units required by the state, and the General Plan estimates a reasonable buildout of 2,784 additional units. This growth is directed to major corridors, multifamily zones, and commercial areas with transit options in order to preserve the City's single-family residential areas to the greatest extent possible. The anticipated buildout would be 13,940 units, which includes the City's existing 11,156 dwelling units (11,156 + 2,784 = 13,940). No changes to the Draft PEIR will be made as a result on this comment.

Response 8.3. State law requires individual property owner are noticed when re-zoning efforts are related to fewer than 1,000 parcels. In the instance that the re-zoning exceeds 1,000 parcels, a public notice in a paper of local circulation is required. The City has fulfilled that requirement. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.4. This comment providing a summary of zoning capacity and its proposed accommodation is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.5. The new zoning overlay district will be called the “mixed use overlay district” and will be applied to all of the commercial areas outside of the Downtown Specific Plan area. A description of the planning designation and location of the impacted parcels can be found in the General Plan on pages 60-61. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.6. The Housing Element that was adopted by the City Council on May 30, 2023, requires the City to bring a ballot measure before the voters in 2024 to revisit the City's 45-foot building height limit. The City has committed to fielding a ballot measure related to the existing 45-foot height limit in November 2024. The City has yet to develop ballot language, but as a City sponsored initiative, it will be presented to City Council for consideration and approval prior to the election. Defining the options that may be considered if the ballot measure should not pass would be speculative and as such is not addressed in the Draft PEIR.

The form based code proposed for the Downtown Specific Plan Update is not tied to whether the ballot initiative should pass, it would be required of all structures in the DTSP area regardless;

however, Mr. Rangwala did provide examples of taller buildings with requirements of the form based code applied to demonstrate there are methods to design a project with greater heights that can be tailored to the location and surrounding uses to provide contextual, high-quality architectural design. No changes to the Draft PEIR will be made as a result on this comment.

Response 8.7. The City acknowledges that there are errors in Table VI-51 and will revise to ensure that designated historic resources are not included in the Table. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.8. This comment providing a summary of potential historic resources as presented in the Draft PEIR is acknowledged. Also please refer to Response 8.7. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 8.9. The comment is noted. Housing Element Program 3.m calls for development of an ordinance for implementation of Senate Bills 9 and 10, with a deadline of 24 months after adoption of the Housing Element and thus is not part of the current implementation effort. As part of development of that ordinance, limitations on the applicability of SB 9 to historic districts and properties would be taken into account, along with other considerations pursuant to the statutes. Specifically, SB 9 provides to be eligible, the project must not be “located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.” (Govt. Code Section 65852.21(a)(6.); see also Govt. Code Section 66411.7(a)(3)(E).)

Letter 9

September 6, 2023

Ms. Alison Becker
Community Development Deputy Director
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

State Clearinghouse #: 2018011050

Subject: South Pasadena General Plan and Downtown Specific Plan & 2021-2029
Housing Element Implementation Programs: Draft Program Environmental Impact Report **Shane**

Dear Ms. Becker:

My public comments on the City’s environmental and planning documentation are as follows:

1. Given the long passage of time for preparing and processing the subject documentation, the involvement of many consultants, and the turnover of staff, a meticulous cross-checking of the documentation is crucial to ensure consistency and reliability before the final documentation is acted on by the City Council.

Example:

- a. Table B3.2 (General Plan Capacity.) on page 62 of the General Plan Update (July 2023) identifies “realistic” projected residential dwelling units as 13,940. Table 2-4 (Summary of Existing and Projected Demographics) on page 2-23 of the Draft Program EIR states the projected citywide total as 13,931. Which is the correct projection and which one or ones were used in the analyses conducted? Yes, it is a minor numerical difference, but it certainly makes me wonder as a retired environmental planner as to what other data or analyses may have been compromised or for which there may be serious discrepancies between the documents.

9.1

2. It appears that the General Plan Update is being set up for even more residential dwelling units and a major increase in the population than what is evaluated for in the Draft EIR.

Example:

- a. What is the basis for the existence of the column in Table B3.2 entitled “Unit Capacity” under Residential in the General Plan Update? The narrative on page 62 of the General Plan Update notes that this number is further adjusted to a more realistic capacity, i.e., 13,940.

I know that 11,156 (existing) and 2,775 (RHNA+HCD recommendation) = 13,931. But, stating in the table that **24,570** is feasible before the “adjustment” means that it is plausible (regardless of the impact to the community in terms of infrastructure, quality of life etc.), that the “seeds are being planted” in the General Plan Update for **an additional 10, 639 residential dwelling units** in as early as the next 8-year planning cycle! That’s most likely going to result in over doubling our population in an already built-out environment in as early as 16 years. Is that what our governing officials want? I doubt many of the residents want that.

9.2

<p>I understand that the environmental analyses in the Draft Program EIR are based on an increase of 2,775 residential dwelling units, but as stated in these documents, the General Plan Update is not a static document. It will be changed/amended within its 20-year horizon (to 2040). The planning cycle for the housing elements, however, is every eight years. So, by stating this 24,570 data point as a possibility, as feasible (but maybe not in this current planning cycle), it is a starting point for further housing analysis in another eight years. Why? Please delete that whole Unit Capacity column. It does not belong in the General Plan Update.</p>	9.3
<p>b. Please state why the City is accepting the HCD recommendation of 708 additional residential dwelling units over and beyond the RHNA goal? Are other cities in the SCAG region getting this type of “recommendation” from HCD? If so, have those cities all complied or are they contesting it?</p>	9.4
<p>3. One remaining question related to Table B3.2 of the General Plan Update is on acreage.</p> <p><i>Example:</i></p> <p>a. Table 2-1 (Existing Land Uses) of The Draft Program EIR states that the City’s existing acreage is 2,272. However, Table B3.2 states that there are 1,714.3 acres (which is about 75 percent of 2,272 acres). Is this the actual number of acres that could be disturbed rather than what was stated in the Draft Program EIR as 107 acres, i.e., less than 5% of the City’s 2,272? Or is the 1,714.3 acres the actual acres that could potentially be disturbed throughout the City? Is that a possibility within the next 16 years (two housing element cycles)?</p>	9.5
<p>4. The most disappointing outcome of this whole planning/environmental review process is that key municipal projects should have been included in this program EIR so that separate EIRs for each project would not be needed. One example would have been to include an analysis for the West Side Reservoir. It needs replacement and most likely expansion to accommodate the proposed growth. It could have been possible to make assumptions/carry out modeling, like what SCAG does and carried out a good faith effort. Instead, by having this documentation strictly policy oriented, the City keeps the planning and EIR consultants in business with tax dollars, i.e., funding that could go towards repairing and modernizing the City’s infrastructure.</p>	9.6
<p>5. Unfortunately, the discussions on construction impacts are predictably boilerplate text rather than thoughtful analysis. The “mitigations” are based on existing laws, regulations, ordinances, permitting, and standard construction practices, as they should. However, a more detailed evaluation with mitigation strategies is warranted about the environmental impacts relating to aspects of construction that could physically harm the environment and that are not addressed in the Draft Program EIR.</p> <p><i>Example:</i></p> <p>a. Cement/concrete. This building material is assessed briefly in the environmental document as follows: cement- or concrete-lined drainages that might be impacted; concrete roof tiles in high-risk fire areas; concrete flatwork placed on top of expansive soils; concrete and related cutting or curing residue affecting air quality and hazardous situations; noisy concrete mixers, trucks, and back up sounds; and</p>	9.7

polished walls of building materials posing a reflective light and glare problem. However, the use of cement/concrete in and of itself will be problematic.

- i. With the huge amount of concrete/cement needed for the proposed developments, what would be the estimated amounts of carbon released into the atmosphere annually and what kinds of actions would the City take to ensure the carbon footprint is minimized from a cumulative standpoint? Would the City collaborate/coordinate with the SCAQMD to develop mitigating programs or incentives? Construction impacts will NOT be temporary with this growth. There will be ongoing construction for years that will impact the neighborhoods. Such construction impact is not temporary.
- ii. Given the direction by the Governor for building over a million new housing units in the State of California in the coming years, a very real possibility will result in a shortage of cement/concrete. This topic needs to be included in the Draft Program EIR, assuming substitute building materials are used instead.
- iii. Will the City require “green” or “eco-friendly” cement to reduce the developments’ carbon footprints? Would this requirement fit with the City’s climate action plan? Are such materials available locally or regionally now?
- iv. Whether standard Portland cement (high in carbon release) is used or the green versions of cement, will these developments even come close to building affordable housing considering these added costs? Is it more profitable if the developments are huge and extremely tall? But, if the proposed voter height initiative is not approved, can the developer recoup his costs with a reduced scale development with affordable housing units still required? Or will the developer just go with market value housing?
- v. As building supplies dwindle and new construction equipment cannot meet the increased demand, prices will rise. If the developer/contractor is unable to buy or find this material, then that could temporarily halt the development. We have all seen houses/condos/apartment buildings partially built and then stopped for some reason, usually due to financial issues, but more recently due to supply chain disruptions and labor shortages. Ugly fences are then put up to avoid vandalism, with the potential for adding blight, attracting criminal elements, and creating poor aesthetics to the neighborhood. This was not discussed in the Draft Program EIR.
- vi. One possible solution could be a concrete batch plant onsite. Has the Draft Program EIR considered that possibility? I couldn’t find it. That activity does create impacts on air quality and, in turn, causes increases in greenhouse gas emissions but with appropriate requirements might be less than significant during its operations.

9.7 cont.

- vii. Water is an important ingredient in the manufacturing of cement/concrete. Nationally, the sunbelt states are building new housing, while also experiencing severe climate change, drought, and limited water supplies. Will our developments, coupled with the nationwide challenge of new housing, indirectly, worsen or compete with the availability of our local and regional

9.8

water supplies? A potential solution is reclaimed water as mentioned in this thoughtful weblink: <https://www.carboncure.com/concrete-corner/water-one-of-concretes-most-important-resources-faces-new-challenges/>. As with any solution, environmental impacts will also be generated including building the infrastructure to access the reclaimed water.

9.8 cont.

6. Lastly, it is no secret that we do not have sufficient open space/parks in the city. My neighbors and I have been waiting for years for the opening of the Berkshire Pocket Park, which continues to remain a weedy, unimproved lot. Other than that, within walking distance for me and my neighbors is the Alhambra Park in the city of Alhambra. Please do not give up one square inch of existing park/preserve open space (including the Arroyo golf course) for future development! Just don't even consider it. Any possible mention of that in the plans, zoning, and/or Draft Program EIR must be removed. I completely agree with Mr. Steven Lawrence of the SouthPasadenan.com newspaper: <https://southpasadenan.com/pave-paradise-and-put-up-a-parking-lot-%e2%99%a9%e2%99%ac-really-south-pasadena-resents-are-dismayed-at-alarming-direction/>.

9.9

I had previously requested a longer public review period for this extremely important documentation, but as the City rejected that request, writing this letter is all I can accomplish at this time.

9.10

Thank you for the opportunity to comment on the City's perspective in forecasting South Pasadena's proposed future development. I only wish that the growth be sustainable and reasonable to accommodate our community's needs and aspirations, as well as fixing our aging infrastructure and traffic woes.

9.11

Sincerely,

Delaine W. Shane

Delaine W. Shane

2003 Meridian Avenue

wehoa_402@outlook.com

Response to Comment Letter 9

Delaine W. Shane (Shane)
September 6, 2023

Response 9.1. The General Plan anticipates a realistic buildout of 13,940 dwelling units (DUs), which includes the City’s existing 11,156 DUs, for a difference of 2,784 DUs. This “realistic” projected residential capacity of 13,940 DUs (from the July 17, 2023 version of the General Plan) is derived via adjustments to the theoretical planning figure of 24,570 DUs (which includes existing units) based on professional judgment of the City’s expert planning consultant and experience related to realistic implementation of similar planning documents. Said another way, the 13,940 DUs was calculated “backward” by adjusting down from the theoretical development potential of the proposed zoning update. Whereas the figure of 13,931 DUs presented in the Draft PEIR (first in Table 2-4 on PEIR page 2-23) was derived by adding 2,775 DUs to the estimated existing number of housing units in the City of 11,156 DUs (based on data from the California Department of Finance) to get a resulting 13,931 DUs.

Rather than demonstrating a mistake on the part of the City and consultant team, on the contrary this demonstrates the validity of the General Plan’s development process by arriving at nearly the same figure using two entirely different and separate methodologies. The methodologies in each document are appropriate to the purposes of each document and standard of practice in each respective profession (i.e., planning versus environmental analysis). Further, these two figures are not meant to be a one-to-one comparison because they are presenting two different assessments with two different purposes. They are both correct in their separate applications. Moreover, even if 13,940 DUs were used as the projected DUs for the City, there would be no differences in the conclusions in the Draft PEIR. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.2. The appearance of the General Plan attempting to “set up” a plan for more DUs and population that analyzed in the Draft PEIR is based on a fundamental misunderstanding of Table B3.2. Staff has acknowledged this table has unintentionally caused much misunderstanding and concern among residents and is not successful at explaining what its attempting to show. Changes to Table B3.2 in the General Plan Update have been made to make it clearer. Simply put, the 24,570 DUs is a purely theoretical number calculated by applying the proposed zoning to every parcel in the City, including those already developed. From there, as mentioned in Response 9.1, this figure was adjusted down from a theoretical number to a realistic number based on professional judgment of the City’s expert planning consultant. This approach has been discussed in open public hearings in front of Planning Commission and City Council. It is neither feasible, plausible, nor envisioned by the City to support development of 24,570 DUs, and nowhere in the General Plan does it state that 24,570 DUs of additional residential development is feasible. On the contrary, Table B3.2 does state in the table what is “realistic” as per the “Realistic Capacity” column. Accordingly, the assertion that the City is planting the seeds for an additional 10,639 DUs is unfounded.

The General Plan does not propose to double the City’s population. As clearly stated throughout the General Plan, the General Plan provides development capacity to accommodate the 2,775 units required by the State. Accordingly, the Draft PEIR analyzes the buildout of 2,775 dwelling units as well as 430,000 square feet of non-residential development. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.3. It is correct that General Plans are not static, they are “living documents” that can be updated to reflect changes, often unforeseen, in the economy, technology, environment and

climate, public health, and other factors that can influence where, how much, and what type of land uses and related circumstances are desired in any given jurisdiction at any given time. Accordingly, State law allows for General Plans to be amended up to four times a year. If and when the General Plan is updated, additional environmental review is required. It is also true that the Housing Element cycle is eight years, at least in most cases. It is currently anticipated that the City of South Pasadena's housing element cycle will be allowed to remain at eight years and not be shortened to four years or for the State to assign staff to the City's Community Development Department to enact the necessary planning actions. As discussed above, the City has not stated that 24,570 DUs, as a data point, is desired or feasible. The assertion that the City is strategizing in its presentation of transparent planning data to have 24,570 DUs be a "starting point" for future housing analysis is unfounded and unsubstantiated. As with the 6th Cycle RHNA, SCAG develops and assigns housing needs to each jurisdiction in the region. The City will respond to the 7th Cycle RHNA as appropriate at that time. Please also refer to Responses 9.1 and 9.2. Changes to Table B3.2 in the General Plan Update have been made to make it clearer. The "Unit Capacity" column will not be deleted. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.4. The City's rezoning program includes restored capacity in the RM and RH zones at a density "deemed appropriate to accommodate housing for lower income households", at least 30 units per acre consistent with California Government Code Section 65583.2(c)(3)(B)(iv) and adopted Housing Element policy. It also creates new opportunities for residential development by allowing mixed-use and 100 percent residential projects in traditionally commercial areas. The California State Department of Housing and Community Development (HCD) guidelines recommend over-zoning at a rate of 15 to 30 percent to compensate for development constraints. In other words, over zone to achieve a realistic development capacity.

The City of South Pasadena worked closely with HCD reviewers to develop a comprehensive approach to addressing our RHNA requirement. Our Draft General Plan must implement the complete slate of programs necessary to increase housing capacity, including the restoration of density in RM and RH zones. The creation of a Specific Plan (i.e., the DTSP) for a traditionally commercial area that allows mixed-use development is a strong step towards increasing predictability and capacity for housing development. However, there is currently no time-tested formula for impact analysis for new residential uses in commercial zones. Therefore, at the broad, program level addressed in the PEIR, it is necessary to determine the realistic capacity of potential growth during the General Plan time horizon by using the adopted Housing Element capacity of 2,775 as the basis for assessment. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.5. There are approximately 2,272 acres within the City of South Pasadena, as shown in Table 2-1 on PEIR page 2-9. The figure of 1,714.3 acres bears no relationship, and is not intended to be related, to either the size of the City or the area proposed to accommodate future development activity (i.e., disturbance) discussed in the Draft PEIR. The 1,714.3 acres shown in Table B3.2 (from the July 17, 2023, version of the General Plan) reflect only the acres of parcels with a City-designated land use and does not include street and utility rights-of-way. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.6. The City was the subject of a lawsuit in 2022 because the City did not have an adopted Housing Element. The Court Order that resulted from the lawsuit provided 120 days for the City to adopt the required rezoning in support of the Housing Element. This also impacted the General Plan adoption process because the zoning contemplated by the Housing Element could not be adopted without the General Plan being updated as well, as the City's Zoning Ordinance must be consistent with the General Plan. Accordingly, the Draft PEIR is focused on these planning efforts and is addressed at solely a program level. This helps ensure that impacts at a

program level are captured and not inadvertently missed due to lack of project-specific information or by adding to an already complex document. Furthermore, it cannot be assumed that “separate EIRs for each project” would be needed. The appropriate type of CEQA documentation is determined on a case-by-case basis and only projects that may or will result in significant impacts that cannot be mitigated to a less than significant level require preparation of EIRs. A more detailed project-level review would be warranted for specific infrastructure projects, as appropriate pursuant to CEQA and the State CEQA Guidelines. The assertion that the focus on a program level, planning-related analysis in the Draft PEIR is purposely to keep the “planning and EIR consultants in business” is unfounded and unsubstantiated. No changes to the Draft PEIR will be made as a result on this comment.

Response 9.7. Because the Project is analyzing three planning documents at a program level and does not describe any specific project nor authorize any specific development project or other land use approval, the analysis of construction-related impacts is necessarily and appropriately broad (i.e., program level). A discussion of the purpose and use of program level analysis is provided on PEIR page 1-1 in Section 1.0, Introduction.

It is noted that existing law, regulations, ordinances, permitting, and standard construction practices that are required independent of CEQA review, yet also serve to offset or prevent certain impacts, do not constitute mitigation measures under CEQA. The environmental impact analysis discusses existing requirements to determine if, after these are complied with as part of a project’s design or implementation regardless of the CEQA process, if there is a significant impact. At which time, feasible mitigation measures would be defined if possible. Any mitigation measures recommended for a project must have a nexus and rough proportionality to that project’s impacts pursuant to Section 15126.4 of the State CEQA Guidelines.

The suggestion for an analysis of water use and other impacts due to an increased volume of concrete use Statewide as well as demand for building supplies to accommodate needed housing is noted. The environmental checklist in Appendix G of the State CEQA Guidelines, CEQA and the State CEQA Guidelines, and relevant case law are the overriding determinants of the scope of a CEQA document’s analysis. CEQA and the State CEQA Guidelines require the analysis of potential impacts that can be correlated, at a direct, indirect, and/or cumulative level, to the project being considered in that CEQA document. To determine what impacts can be reasonably assigned to these actions, State law requires each jurisdiction to consider the environmental effects of each action being considered by that decision-making body directly, indirectly, and in the context of a reasonable cumulative context. Additionally, 15162.2(d) requires the Lead Agency to address significant irreversible environmental changes, including use of non-renewable resources. As discussed on pages 5-1 and 5-2 of Section 5.0, Other California Environmental Quality Act Required Considerations:

“Potential future development associated with implementation of the Project would consume limited, slowly renewable, and non-renewable resources. Over the long term, new development would require the commitment and reduction of nonrenewable and slowly renewable resources, including petroleum fuels and natural gas (for vehicle emissions, construction, lighting, heating, and cooling of structures) and lumber, sand/gravel, steel, copper, lead, and other metals (for use in building construction, roadways, and infrastructure). Other resources that are slow to renew and/or recover from environmental stressors would also be impacted by long-term implementation of the Project (e.g., air quality through the combustion of fossil fuels and production of greenhouse gases, and water supply through the increased potable water demands for drinking, cooking, cleaning, landscaping, and general maintenance needs).

Future construction activities related to implementation of the General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment. However, the Project would not be creating a need for jobs or housing. The proposed growth would fulfill an existing and anticipated future need that is based on estimates of local and regional population growth.”

Therefore, the non-renewable resources used in construction of future development projects pursuant to the General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs would be expected to be consumed by housing and employment-generating land uses that are anticipated, and are unfulfilled, in the San Gabriel Valley and the wider region. Additionally, the land uses proposed are not unusually wasteful or excessive in terms of construction materials and fossil fuel use.”

And as discussed on page 5-3 of Section 5.0, Other California Environmental Quality Act Required Considerations:

“In summary, potential future development associated with the Project would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses through the year 2040. However, the use of such resources is anticipated and accounted for in the State, regional, and local regulations, which generally prohibit wasteful practices and require environmentally conservative actions, as summarized in the “Relevant Programs and Regulations” discussion within Sections 3.1 through 3.16 of this PEIR. Similarly, as discussed in Section 3.9, Land Use and Planning, the proposed Project is entirely consistent with the goals adopted in the 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, which is intended to reduce VMT, contribute to improved air quality, and greenhouse gas emissions, among other objectives. Therefore, although irreversible changes would result from implementation of the General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs, such changes would not be considered significant, and no mitigation is required.”

Moreover, undertaking an analysis of a Statewide “impact” such as concrete use and its indirect effects due to implementation of various legislation is beyond the scope of this PEIR and, regardless, would be highly speculative and bear no meaningful information as to project level or cumulative impacts. The above discussion applies to the suggested analyses listed as Comment 9.7i through vi. No changes to the Draft PEIR will be made as a result of this comment.

Response 9.8. Please refer to Response 9.7. No changes to the Draft PEIR will be made as a result of this comment.

Response 9.9. The analysis of existing park space compared to State and City standards is provided in Section 3.13, Public Services and Recreation. As discussed on PEIR page 3.13-20, the City has approximately 118 acres of parks, equating to approximately 4.6 acres of parkland per 1,000 residents. This exceeds the State requirements and is slightly less than the City’s existing and proposed standard (5 acres per 1,000 residents). The quantity of existing parks does not include the two proposed pocket parks. There is no mention of developing or otherwise removing any existing or planned open space land in the City as part of the Project. This was a suggestion made by a member of the public at a Planning Commission hearing, but it was not incorporated into the Project. No changes to the Draft PEIR will be made as a result of this

comment. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 9.10. The City received one request to extend the PEIR public comment period and had previously planned to extend the period to 60 days based on this request. However, because of the Court Order requirements and the expedited schedule associated with these requirements, there was no feasible way to extend the review period beyond the 45 days required by CEQA and the State CEQA Guidelines. No changes to the Draft PEIR will be made as a result of this comment.

Response 9.11. This comment providing closing remarks is acknowledged. The comment does not address the content or adequacy of the Draft PEIR under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

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Letter 10

August 8, 2023

Yokomizo

I haven't done a detailed review of the PEIR but Mitigation Measure MM-AQ-1 should be modified to delete the language "If the HRA cannot demonstrate that the acceptable risk level can be achieved, then no residential land uses may be developed within 500 feet of the TAC source." The "TAC source" in this instance is the freeway; as such, this language risks creating a "no residential" build corridor through the City extending 500 feet on both sides of the freeway. As noted in the PEIR, this is not even a proper subject under CEQA, but, rather, is a recommendation by CARB. CARB itself notes that a city should balance CARB's recommendations against the community's need for housing and other economic development priorities

10.1

Thank you for your consideration,

Doug Yokomizo
South Pasadena

Response to Comment Letter 10

Doug Yokomizo (Yokomizo)
August 29, 2023

Response 10.1. There is no evidence provided that application of the California Air Resources Board (CARB) recommendation regarding siting of sensitive receptors near sources of toxic air contaminants (TACs) via mitigation measure (MM) AQ-1 to protect the health of residents and businesses that may be developed under the Project would lead to a “no residential” build corridor through the City along SR-110. Pursuant to Sections 15040 and 15041 of the State CEQA Guidelines, CEQA grants authority to the Lead Agency (City of South Pasadena) to use discretionary powers to require feasible changes in any or all activities involved in the project to substantially lessen or avoid significant effects on the environment. It is acknowledged on PEIR page 3.2-28 that a site-specific evaluation for exposure to TACs for proposed project is not required under CEQA; nonetheless, it is within the Lead Agency’s authority to identify this as a potential significant environmental impact and to require feasible mitigation to reduce the impact.

There are many feasible methods to achieve interior air quality conditions in new construction that will ensure future residents and employees are not exposed to a heightened cancer risk due to diesel particulate matter (DPM) emissions from proximity to freeways while allowing for aesthetic considerations, as evidenced by the abundant high-density residential and mixed-use buildings being constructed in recent years along major freeways in the region. A small number of methods are provided in MM AQ-1 but the precise methods by which this requirement are met will necessarily be site- and project-specific.

SECTION 3.0 DRAFT PEIR CLARIFICATIONS AND REVISIONS

Any revisions to the Draft PEIR text, tables, and figures generated either from responses to comments or independently by the City, are stated in this section of the Final PEIR. The Draft PEIR text, tables, and figures have not been modified and then published as the Final PEIR in its entirety as a single document to reflect these PEIR modifications.

These Draft PEIR revisions are provided to clarify and amplify the Draft PEIR. Changes may be corrections or clarifications to the text and tables of the original Draft PEIR. Other changes to the Draft PEIR clarify the analysis in the Draft PEIR based upon the information and concerns raised by comments during the public review period. None of the information contained in these Draft PEIR revisions constitutes significant new information or changes to the analysis or conclusions of the Draft PEIR.

The changes to the Draft PEIR included in these PEIR revisions do not constitute “significant” new information. Therefore, recirculation of the Draft PEIR is not required because the new information added to the PEIR through these revisions clarify or amply information already provided or make insignificant modifications to the already adequate Draft PEIR.

The PEIR revisions contained in the following pages are in the same order as the information appears in the Draft PEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added. The applicable page numbers from the Draft PEIR are also provided where necessary for ease of reference.

Table ES-1 on Page ES-9 in Executive Summary

MM BIO-2 Trimming or removal activities of mature or significant trees will be conducted between ~~August 16~~ **October 1** and February 28, outside of the breeding seasons for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season (**March 1 through September 30**), qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest **and a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites and any maternity roosts** ~~or bat maternity roost~~. If either are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy.

Table ES-1 on Pages ES-9 to 10 in Executive Summary

MM BIO-4 If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, **analysis shall place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts.** ~~and Analysis shall~~ provide recommendations

for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project-level impacts are not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels.

Table ES-1 on Pages ES-11 to 12 in Executive Summary

MM CUL-1 Prior to the issuance of a grading permit, Applicants for future development projects shall demonstrate to the City ~~Planning and Building Department~~ **Community Development Department** that a qualified Archaeologist has been retained by the applicant to attend the pre-grading meeting with the construction contractor to establish, based on the site plans, appropriate procedures for monitoring earth-moving activities during construction. The Archaeologist shall determine when monitoring of grading activities is needed. If any archaeological resources are discovered, construction activities must cease within 50 feet of the discovery, or as determined by the Archaeologist, and they shall be protected from further disturbance until the qualified Archaeologist evaluates them using standard archaeological protocols. The Archaeologist must first determine whether an archaeological resource uncovered during construction is a “Tribal Cultural Resources” pursuant to Section 21074 of the California Public Resources Code, or a “unique archaeological resource” pursuant to Section 21083.2(g) of the California Public Resources Code or a “historical resource” pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the archaeological resource is determined to be a “Tribal Cultural Resource”, “unique archaeological resource” or a “historical resource”, the Archaeologist shall formulate a Mitigation Plan in consultation with the Applicant and the City ~~Planning and Building Department~~ **Community Development Department** that satisfies the requirements of the above-listed Code sections. Upon approval of the Mitigation Plan by the City, the Project shall be implemented in compliance with the Plan.

If the Archaeologist determines that the resource is not a “Tribal Cultural Resource”, “unique archaeological resource” or “historical resource,” s/he shall record the site and submit the recordation form to the California Historical Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC). The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following accepted professional practice. The report shall follow guidelines of the California Office of Historic Preservation. Copies of the report shall be submitted to the City and to the CHRIS at the SCCIC at the California State University, Fullerton.

Table ES-1 on Page ES-12 in Executive Summary

MM GEO-1 Should potential paleontological resources be found during ground-disturbing activities for any individual project implemented under the General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs Project**, ground-disturbing activity in the immediate vicinity of the find shall be temporarily halted and a qualified paleontologist will be hired to evaluate the resource. If the potential resource is found not to be significant by the paleontologist, construction

activity in the area of the find can resume. If the resource is found to be significant, the paleontologist shall determine appropriate actions, in consultation with the City and the developer (if present), for further exploration and/or salvage. A Disposition of the Recovered Paleontological Resources and Mitigation Report shall be prepared by the qualified paleontologist and submitted to the City. Any recovered fossils shall be deposited in an accredited institution or museum, such as the Natural History Museum of Los Angeles County.

Table ES-1 on Page ES-15 in Executive Summary

MM NOI-1 Prior to the issuance of a building permit for new **multi-family** residential or mixed-use development projects **within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/Developer shall submit an acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates that the project will satisfy the 65 dBA CNEL exterior noise level standard, including identification of reasonable and feasible noise mitigation measures if determined necessary. It is the responsibility of the City of South Pasadena Community Development Department, or designee, to ensure that any necessary mitigation measures are fully and properly implemented.

Table ES-1 on Page ES-15 in Executive Summary

MM NOI-2 Prior to the issuance of a building permit for new **multi-family** residential or mixed-use development projects **within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/Developer shall submit an acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates that the interior noise levels in all habitable rooms will satisfy the California Building Code 45 dBA CNEL interior noise level standard, including identification of reasonable and feasible noise mitigation measures if determined necessary. It is the responsibility of the City of South Pasadena Community Development Department, or designee, to ensure that any necessary mitigation measures are fully and properly implemented.

Table ES-1 on Pages ES-15 to 16 in Executive Summary

MM NOI-3 Prior to the issuance of a building permit and/or certificate of occupancy for non-residential **and mixed-used** development projects, the Project Applicant/Developer shall submit an acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates:

- Exterior noise levels at adjacent property lines will satisfy the South Pasadena Municipal Code Section s19A.7(b), 19A.12, and 19.21(c) exterior noise level limits, and satisfy any conditions of approval. The site-specific acoustical report shall identify the necessary measures, if any, required to reduce exterior noise levels to below the South Pasadena Municipal Code Section 19A.7(b), 19A.12, and 19.21(c) exterior noise level limits, and satisfy any conditions of approval.

- Acoustical isolation between units has been included in the project design for residential dwelling units situated above non-residential uses.

Table ES-1 on Pages ES-16 to 17 in Executive Summary

MM NOI-4 Prior to the issuance of a building permit for new development **projects within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/ Developer shall submit a final acoustical report to the City of South Pasadena Community Development Department, or designee, that demonstrates:

- Exterior construction noise levels at the closest sensitive receiver locations will satisfy the FTA 80 dBA Leq residential and 85 dBA Leq commercial 8-hour construction noise level standards and the County of Los Angeles 0.01 in/sec root-mean-square velocity (RMS) vibration standard. The site-specific report shall identify the necessary reduction measures, if any, required to reduce exterior noise and vibration levels to below FTA noise and County of Los Angeles vibration thresholds.
- Measures to reduce construction noise and vibration levels, such as but not limited to those provided below, shall be incorporated in the final acoustical report:
 - Install temporary construction noise barriers at the project site boundary that break the line of sight for occupied sensitive uses for the duration of construction activities. The noise control barrier(s) must provide a solid face from top to bottom and shall:
 - Provide a minimum transmission loss of 20 dBA and be constructed with an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;
 - Be properly maintained with any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
- Install sound dampening mats or blankets to the engine compartments of heavy mobile equipment (e.g., graders, dozers, heavy trucks). The dampening materials must be capable of a 5 dBA minimum noise reduction, must be installed prior to the use of heavy mobile construction equipment, and must remain installed for the duration of the equipment use.
- Construction activities requiring pile driving within 400 feet, large bulldozers within 100 feet, loaded trucks within 50 feet, or jackhammers within 25 feet of nearby sensitive land uses (e.g., residential, school) shall be minimized, or alternative equipment or methods shall be used, unless the vibration levels are shown to be less than the County of Los Angeles RMS threshold of 0.01 in/sec.

Table ES-1 on Page ES-18 in Executive Summary

MM NOI-5 The Project Applicant/Developer of any site-specific development **within the Downtown Specific Plan and mixed-use overlay areas that is situated** within 25 feet of an historic resource shall engage a qualified structural engineer to conduct a pre-construction assessment of the structural integrity of the nearby historic structure(s) and, prior to the issuance of a building permit, submit evidence to the City of South Pasadena Community Development Department, or designee, that the operation of vibration-generating equipment associated with the new development would not result in structural damage to the adjacent historic building(s). If recommended by the pre-construction assessment, ground borne vibration monitoring of nearby historic structures shall be required.

Table ES-1 on Pages ES-18 to 19 in Executive Summary

MM NOI-6 Prior to the issuance of a building permit for new development **projects in the Downtown Specific Plan and mixed-use overlay areas** within 50 feet of the Metro A Line, the Project Applicant/Developer shall submit a final vibration study to the City of South Pasadena Community Development Department, or designee, which shall identify and require implementation of reasonable and feasible vibration reduction measures to avoid exceeding the 72 VdB residential and 75 VdB non-residential vibration level standards.

Page 3.3-18 in Section 3.3, Biological Resources

MM BIO-2 Trimming or removal activities of mature or significant trees will be conducted between August 16 (for nesting birds) **or October 1 (for bats)** and February 28, outside of the breeding seasons for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest **and a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites and any maternity roosts or bat maternity roost.** If either are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy.

MM BIO-4 If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, **analysis shall place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts. and Analysis shall** provide recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to,

equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project-level impacts are not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels.

Page 3.4-1 in Section 3.4, Cultural and Tribal Cultural Resources

This section analyzes cultural resources (historic, archaeological, and tribal cultural) impacts with implementation of the proposed General Plan and Downtown Specific Plan (DTSP) Update & 2021–2029 Housing Element **Implementation Programs** Project (**Project**). Information in this section is derived from historic resources research and analysis conducted by Architectural Resources Group and based in part of the City’s *Citywide Historic Resources Survey* prepared by Historic Resources Group (HRG) and dated June 20, 2017 (2017 Survey), a historic and archaeological records search conducted by the South Central Coastal Information Center (SCCIC) on August 17, 2020 (Appendix C-1), Senate Bill (SB) 18 and Assembly Bill (AB) 52 outreach records regarding tribal cultural resources conducted by the City (Appendix C-2), and review of recent California Environmental Quality Act (CEQA) documentation for City of South Pasadena projects. **While the 2017 Survey has not been formally adopted, it is used as a source of information on the existing setting for historic resources in this PEIR. The historic status of individual properties involved in future development proposals would be considered on a case-by-case basis pursuant to local, State, and federal regulations in place at that time.**

Page 3.4-4 in Section 3.4, Cultural and Tribal Cultural Resources

The pool of known historical resources in the City can be classified in the following two categories: (1) designated historical resources and (2) potential historical resources. The former includes individual resources and concentrations of resources (historic districts) that have been formally designated at the federal (i.e., National Register of Historic Places [NRHP]), State (i.e., California Register of Historic Resources [CRHR]), and/or local level (i.e., City of South Pasadena). The latter consists of individual resources and historic districts that have been identified as potentially eligible for federal, State, and/or local listing through survey evaluation. The 2017 survey produced a comprehensive list of historical resources (designated and potential) within the City that were built through the year 1972. The 2017 Survey comprises 2,718 entries and consists of designated individual properties, historic districts, and district contributors; potentially eligible individual properties, historic districts, and district contributors; and properties that merit special consideration in the local planning process or require additional study. **Additionally, Section 2.65(e)(3) of the SPMC states that a Certificate of Appropriateness (CofA) “may be required for demolition of a building that is 45 years or older, and not identified as a cultural resource”. Section 2.65 (e)(3)(D)(ii) of the SPMC states “If the [South Pasadena Cultural Heritage] Commission determines that the property is potentially eligible at the federal, state, or local level, the property shall be added to the inventory and the provisions of this subsection (e), procedures for a Certificate of Appropriateness, shall apply to the proposed demolition. If any such resources are potentially affected by a project, the city shall require preparation of the appropriate CEQA documentation”. Therefore, in accordance with the SPMC ~~Section 2.65(e)(3) of the SPMC~~ and the City’s Cultural Heritage Ordinance, all properties that are 45 years or older **at the time of consideration of a future project** shall be **properly** evaluated. Exhibit 3.4-1, South Pasadena Cultural Resources, **illustrates takes into account** the results of the 2017 Survey.**

Page 3.4-6 in Section 3.4, Cultural and Tribal Cultural Resources

The 2017 Survey also identifies ten designated historic districts in the City. **Since the 2017 Survey, an 11th district has also been designated, for a total of eleven historic districts in the City. The historic districts are as follows:**

- Arroyo Seco Parkway Historic District (NRHP);
- Buena Vista Historic District (City);
- El Centro/Indiana/Palm Historic District (City);
- Mission West/Historic Business District (NRHP);
- North of Mission Historic District (CRHR);
- Oak/Laurel Historic District (City);
- Oaklawn District/Oaklawn District Addition (NRHP);
- Prospect Circle Historic District (City);
- Ramona Craftsman District (City); **and**
- South of Mission Historic District (CRHR); **and**
- **Rollin Street Craftsman Cluster.**

Page 3.4-7 in Section 3.4, Cultural and Tribal Cultural Resources

Collectively, the The 2017 Survey identifies 236 contributing properties within South Pasadena’s ten historic districts. Additionally, in June of 2020, the Rollin Craftsman Cluster District, a small cluster of five contributing properties (1500, 1506, 1507, 1510, and 1512 Rollin Street) was designated by the City Council as a historic district. Collectively, the City identifies 241 contributing properties within the City’s eleven historic districts.

Table 3.4-2 on Pages 3.4-8 through 3.4-18 in Section 3.4, Cultural and Tribal Cultural Resources

A total of 45 archaeological and/or historic studies have been conducted within the City, as shown in Table 3.4-2, Cultural Resources Studies Within the City, below **on the following page.**

**TABLE 3.4-2
 CULTURAL RESOURCES STUDIES WITHIN THE PROJECT SITE CITY**

Table 3.4-2 on page 3.4-8 in Section 3.4, Cultural and Tribal Cultural Resources

LA-06385	2001	Section 106 Review for 5568 Via Marison Marisol Avenue Arroyo Seco Park Historic District Los Angeles, Ca	Historic Resources Group
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Page 3.4-18 in Section 3.4, Cultural and Tribal Cultural Resources

An inquiry was made ~~on~~ of the NAHC on July 10, 2020, to request a review of the Sacred Lands File (SLF) database regarding the possibility of Native American cultural resources and/or sacred places in the Project vicinity that are not documented on other databases. The NAHC completed its SLF search on July 15, 2020. The results from the NAHC Sacred Lands Files search for the

Project site was positive, meaning one or more Native American sacred sites are documented within or near the City. The locations and other details of sacred sites are kept confidential in order to protect the sites.

Page 3.4-27 in Section 3.4, Cultural and Tribal Cultural Resources

P3.7 Support and ensure restoration and reuse of the historic Rialto Theater. ~~f.~~

Page 3.4-27 in Section 3.4, Cultural and Tribal Cultural Resources

As discussed above and articulated in the 2017 Survey, the City is a community that has numerous designated historical resources. At present there are 61 designated individual resources, ~~40~~ **11** designated historic districts containing a collective total of ~~236~~ **241** contributing properties, and 2,257 additional properties that have been identified as potentially eligible historical resources. In total, there are 2,718 properties (designated and potential resources at the federal, State, and/or local level) in the City that possess, or may possess, historical merit. All the five focus areas include one or more parcels that are designated or potentially historic, either as individual resources or contributors to a district.

Page 3.4-28 in Section 3.4, Cultural and Tribal Cultural Resources

Since the City is an established community that was largely built out by World War II, the number of properties dating to the post-war era and more contemporary periods of history is generally less than other municipalities in Southern California. The survey upon which the 2017 Survey is predicated on accounted for resources that were constructed through the year 1972. It is possible that, over time, there will be additional resources within the City that possess potential historical significance but are not currently identified in the 2017 Survey. One of the new provisions in the Cultural Preservation Ordinance updated in 2017 is to allow the Cultural Heritage Commission to review any proposed demolition of structures not listed in the 2017 Survey and greater than 45 years old. Properties may be determined to be eligible for listing as a historic resource based on various criteria, including properties that:

Page 3.4-29 in Section 3.4, Cultural and Tribal Cultural Resources

The General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs** policies and actions listed above also encourage the identification and documentation of contemporary resources, significant landscape features, ethnic and cultural resources, and other resource types. The General Plan Update includes a policy that directs the City to establish an updated Inventory, in the future, to clarify which properties are cultural ~~sssresources~~ **resources**. Updating the 2017 Survey would ensure that resources that come of age over time are accounted for; it also calls for the development of theme studies relating to the history of locally significant cultural groups. Another General Plan Update policy accounts for landscapes by promoting the conservation of older historic landscapes and natural features that contribute to the character of historic districts and landmarks. General Plan and DTSP Update policies advocate for the promotion of the City's historical resources and its arts, cultural, and heritage attractions and the dissemination of information about these resources and attractions to City residents and members of the general public. These policies and actions are intended to augment awareness about the City's history and significant elements of its historic built environment. Enhancing awareness of local historical resources is anticipated to foster a sense of appreciation and civic pride, which in turn would aid in preventing their extensive alteration or demolition.

As discussed above, without safeguards it is possible that development under the General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs** could result in substantial adverse changes to historical resources. In the instance that a project results in the demolition of a historical resource, or substantial alterations to a historical resource that are not in conformance with the Standards, a significant impact would occur. Unless it is possible to relocate the resource in question to an appropriate receiver site, demolition is generally considered to be a significant unavoidable impact. ~~However, the~~ **The** City's policies would facilitate the required increased ~~housing~~ **housing** opportunities, while **simultaneously** preventing adverse changes to and protection of historical resources where **practicable**. The City's established historic preservation policies and procedures, combined with existing State and local preservation laws and regulations, would **adequately substantively** protect existing and future historical resources, **and would minimize the potential impact to historic resources to the extent feasible. Sites that are historic or located in a historic district are anticipated to be half as likely to be developed than non-historic sites. Properties that are historic or are located in a historic district are required to be reviewed by the City's Cultural Heritage Commission and are required to fulfill certain requirements as described in Section 6.5.2, Governmental Constraints, of the Housing Element.**

Nevertheless, for the City to become compliant with State housing element law it was necessary to broaden the pool of suitable sites identified for potential housing development beyond the focus areas to generally encompass more parcels in total. Also, there are State regulations that allow by-right development via a ministerial action under specific circumstances. For the parcels that may be subject to redevelopment, the City can specify planning requirements as part of a ministerial action; however, unlike a discretionary action the CEQA process would not be triggered. For the above-listed reasons, it cannot be certain that a significant adverse effect to one or more existing or future identified historic resources would not occur with implementation of the General Plan and DTSP Update & 2021–2029 Housing Element. Therefore, the potential effects of the Project would be considered a significant and unavoidable impact to historic resources. There are no feasible mitigation measures to reduce this impact, as it is the result of State mandates superseding certain aspects of the City's planning control for some parcels that include those with existing, or potentially future, eligible or known historic resources. There would be a less than significant impact to historical resources, and no mitigation is required.

Page 3.4-32 in Section 3.4, Cultural and Tribal Cultural Resources

Pursuant to SB 18 and AB 52, the City initiated government-to-government consultation with NAHC-identified California Native American tribes and those tribes that have requested such consultation in order to identify, protect, and/or mitigate potential impacts to cultural places/resources. On March 13, 2018, the City initiated the offer of consultation under SB 18 and AB 52 by sending a letter to the Gabrieleno/Tongva Tribe; Gabrieleno/Tongva San Gabriel Band of Mission Indians; Gabrieleno Band of Mission Indians, Kizh Nation; and Soboba Band of Luiseño Indians. No tribes had requested to be notified of projects in the City pursuant to AB 52. In the absence of a Native American consultation list, these were the tribes identified by the City of Alhambra, an immediately adjacent jurisdiction, as having requested notification. These four tribes also received the Notice of Preparation (NOP) of **this a Draft Program Environmental Impact Report (PEIR)** dated January 23, 2018. There was no response from these tribes on the 2018 SB 18/AB 52 consultation letter or within the 2018 NOP review period.

Page 3.4-33 in Section 3.4, Cultural and Tribal Cultural Resources

As discussed further in Section 2.5, Approach to Cumulative Impact Analysis, the cumulative impact analysis contained in this PEIR uses the method that focuses on regional projections, assuming future growth and development reflects these projections. The geographic context for the cumulative impact analysis, unless otherwise noted, is the San Gabriel Valley.

Development pursuant to the General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs** has **have** the potential to disturb or destroy historical resources associated with the City’s history and local culture. Historic structures that may be altered or demolished in and near the City would affect the cultural significance of an individual site or the structure, as well as incrementally diminish the City’s historical context. Similarly, growth and development in the San Gabriel Valley may involve demolition of older structures that may be important to the valley’s history. Demolition or alterations that do not follow the Secretary of the Interior’s Standards would lead to the cumulative loss of historic resources in the San Gabriel Valley. Implementation of historic preservation ordinances by individual cities would preserve sites and structures of local importance. Compliance with the City’s Cultural Heritage Ordinance and City policies and actions pertaining to the preservation of historic resources by the City of South Pasadena would prevent significant adverse impacts on historical resources in the City and avoid a cumulative contribution to the loss of historical resources **in the City to the extent practicable. However, as discussed above, it cannot be certain that a significant adverse effect to one or more existing or future identified historic resources would not occur with implementation of the General Plan and DTSP Update & 2021–2029 Housing Element and this is identified as a direct significant and unavoidable impact to historic resources. As such, development under the Project would be considered to incrementally contribute to a significant and unavoidable cumulative impact related to the loss of historical resources in the San Gabriel Valley. There would be a less than significant cumulative impact, and no mitigation is required.**

Pages 3.4-33 to 34 in Section 3.4, Cultural and Tribal Cultural Resources

MM CUL-1 Prior to the issuance of a grading permit, Applicants for future development projects shall demonstrate to the City **Planning and Building Department Community Development Department** that a qualified Archaeologist has been retained by the applicant to attend the pre-grading meeting with the construction contractor to establish, based on the site plans, appropriate procedures for monitoring earth-moving activities during construction. The Archaeologist shall determine when monitoring of grading activities is needed. If any archaeological resources are discovered, construction activities must cease within 50 feet of the discovery, or as determined by the Archaeologist, and they shall be protected from further disturbance until the qualified Archaeologist evaluates them using standard archaeological protocols. The Archaeologist must first determine whether an archaeological resource uncovered during construction is a “Tribal Cultural Resources” pursuant to Section 21074 of the California Public Resources Code, or a “unique archaeological resource” pursuant to Section 21083.2(g) of the California Public Resources Code or a “historical resource” pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the archaeological resource is determined to be a “Tribal Cultural Resource”, “unique archaeological resource” or a “historical resource”, the Archaeologist shall formulate a Mitigation Plan in consultation with the Applicant and the City **Planning and Building Department Community Development Department** that satisfies the requirements of the

above-listed Code sections. **If the resource is determined to be a possible TCR, the City Community Development Department shall facilitate coordination with the Gabrielino Tongva Tribe, consistent with the conclusions of Native American consultation pursuant to Senate Bill 18 and Assembly Bill 52, during preparation of the Mitigation Plan.** Upon approval of the Mitigation Plan by the City, the Project shall be implemented in compliance with the Plan.

If the Archaeologist determines that the resource is not a “Tribal Cultural Resource”, “unique archaeological resource” or “historical resource,” s/he shall record the site and submit the recordation form to the California Historical Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC). The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following accepted professional practice. The report shall follow guidelines of the California Office of Historic Preservation. Copies of the report shall be submitted to the City and to the CHRIS at the SCCIC at the California State University, Fullerton.

Page 3.4-34 in Section 3.4, Cultural and Tribal Cultural Resources

3.4.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Less than significant.

Historic Resources

Significant and unavoidable impacts at both a program and cumulative level.

Archaeological Resources, Human Remains, and Tribal Cultural Resources

Less than significant impacts at both a program and cumulative level.

Page 3.6-14 in Section 3.6, Geology and Soils

MM GEO-1 Should potential paleontological resources be found during ground-disturbing activities for any individual project implemented under the General Plan and DTSP Update & 2021–2029 Housing Element **Implementation Programs Project**, ground-disturbing activity in the immediate vicinity of the find shall be temporarily halted and a qualified paleontologist will be hired to evaluate the resource. If the potential resource is found not to be significant by the paleontologist, construction activity in the area of the find can resume. If the resource is found to be significant, the paleontologist shall determine appropriate actions, in consultation with the City and the developer (if present), for further exploration and/or salvage. A Disposition of the Recovered Paleontological Resources and Mitigation Report shall be prepared by the qualified paleontologist and submitted to the City. Any recovered fossils shall be deposited in an accredited institution or museum, such as the Natural History Museum of Los Angeles County

Pages 3.11-37 and 3.11-38 in Section 3.11, Noise

MM NOI-1 Prior to the issuance of a building permit for new **multi-family** residential or mixed-use development projects **within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/Developer shall submit an

acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates that the project will satisfy the 65 dBA CNEL exterior noise level standard, including identification of reasonable and feasible noise mitigation measures if determined necessary. It is the responsibility of the City of South Pasadena Community Development Department, or designee, to ensure that any necessary mitigation measures are fully and properly implemented.

MM NOI-2 Prior to the issuance of a building permit for new **multi-family** residential or mixed-use development projects **within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/Developer shall submit an acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates that the interior noise levels in all habitable rooms will satisfy the California Building Code 45 dBA CNEL interior noise level standard, including identification of reasonable and feasible noise mitigation measures if determined necessary. It is the responsibility of the City of South Pasadena Community Development Department, or designee, to ensure that any necessary mitigation measures are fully and properly implemented.

MM NOI-3 Prior to the issuance of a building permit and/or certificate of occupancy for non-residential **and mixed-used** development projects, the Project Applicant/Developer shall submit an acoustical report or other substantial evidence to the City of South Pasadena Community Development Department, or designee, that demonstrates:

- Exterior noise levels at adjacent property lines will satisfy the South Pasadena Municipal Code Section s19A.7(b), 19A.12, and 19.21(c) exterior noise level limits, and satisfy any conditions of approval. The site-specific acoustical report shall identify the necessary measures, if any, required to reduce exterior noise levels to below the South Pasadena Municipal Code Section 19A.7(b), 19A.12, and 19.21(c) exterior noise level limits, and satisfy any conditions of approval.
- Acoustical isolation between units has been included in the project design for residential dwelling units situated above non-residential uses.

MM NOI-4 Prior to the issuance of a building permit for new development **projects within the Downtown Specific Plan and mixed-use overlay areas**, the Project Applicant/Developer shall submit a final acoustical report to the City of South Pasadena Community Development Department, or designee, that demonstrates:

- Exterior construction noise levels at the closest sensitive receiver locations will satisfy the FTA 80 dBA Leq residential and 85 dBA Leq commercial 8-hour construction noise level standards and the County of Los Angeles 0.01 in/sec root-mean-square velocity (RMS) vibration standard. The site-specific report shall identify the necessary reduction measures, if any, required to reduce exterior noise and vibration levels to below FTA noise and County of Los Angeles vibration thresholds.

- Measures to reduce construction noise and vibration levels, such as but not limited to those provided below, shall be incorporated in the final acoustical report:
 - Install temporary construction noise barriers at the project site boundary that break the line of sight for occupied sensitive uses for the duration of construction activities. The noise control barrier(s) must provide a solid face from top to bottom and shall:
 - Provide a minimum transmission loss of 20 dBA and be constructed with an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;
 - Be properly maintained with any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
 - Install sound dampening mats or blankets to the engine compartments of heavy mobile equipment (e.g., graders, dozers, heavy trucks). The dampening materials must be capable of a 5 dBA minimum noise reduction, must be installed prior to the use of heavy mobile construction equipment, and must remain installed for the duration of the equipment use.
 - Construction activities requiring pile driving within 400 feet, large bulldozers within 100 feet, loaded trucks within 50 feet, or jackhammers within 25 feet of nearby sensitive land uses (e.g., residential, school) shall be minimized, or alternative equipment or methods shall be used, unless the vibration levels are shown to be less than the County of Los Angeles RMS threshold of 0.01 in/sec.

MM NOI-5 The Project Applicant/Developer of any site-specific development **within the Downtown Specific Plan and mixed-use overlay areas that is situated** within 25 feet of an historic resource shall engage a qualified structural engineer to conduct a pre-construction assessment of the structural integrity of the nearby historic structure(s) and, prior to the issuance of a building permit, submit evidence to the City of South Pasadena Community Development Department, or designee, that the operation of vibration-generating equipment associated with the new development would not result in structural damage to the adjacent historic building(s). If recommended by the pre-construction assessment, ground borne vibration monitoring of nearby historic structures shall be required.

MM NOI-6 Prior to the issuance of a building permit for new development **projects in the Downtown Specific Plan and mixed-use overlay areas** within 50 feet of the Metro A Line, the Project Applicant/Developer shall submit a final vibration study to the City of South Pasadena Community Development Department, or designee, which shall identify and require implementation of reasonable and feasible vibration reduction measures to avoid exceeding the 72 VdB residential and 75 VdB non-residential vibration level standards.

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Appendix A

**Attachment to Los Angeles County
Metropolitan Transportation Authority Letter**

Los Angeles County
Metropolitan Transportation Authority

METRO ADJACENT DEVELOPMENT HANDBOOK

A GUIDE FOR CITIES AND DEVELOPERS

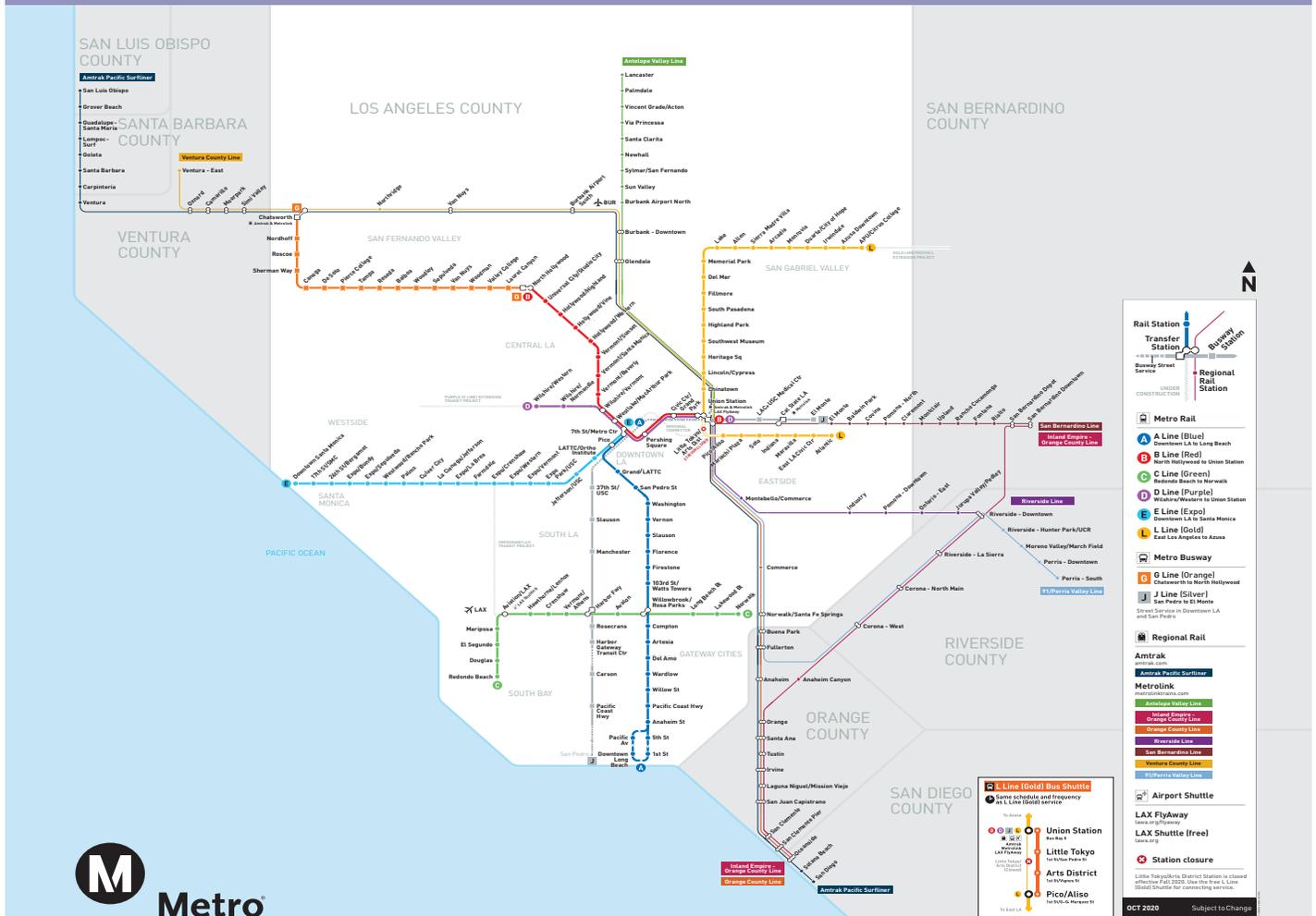
February 2021



Metro and Regional Rail Map

Metro & Regional Rail

metro.net
 pacificsurfliner.com
 metrolinktrains.com



Metro is currently undertaking the largest rail infrastructure expansion effort in the United States. A growing transit network presents new opportunities to catalyze land use investment and shape livable communities.

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Quick Overview

Purpose of Handbook

The Metro Adjacent Development Handbook (Handbook) is intended to provide information and guide coordination for projects adjacent to, below, or above Metro transit facilities (e.g. right-of-way, stations, bus stops) and services.

Overarching Goal

By providing information and encouraging early coordination, Metro seeks to reduce potential conflicts with transit services and facilities, and identify potential synergies to expand mobility and improve access to transit.

Intended Audience

The Handbook is a resource for multiple stakeholder groups engaged in the development process, including:

- Local jurisdictions who review, entitle, and permit development projects,
- Developers,
- Property owners,
- Architects, engineers, and other technical consultants,
- Builders/contractors,
- Utility companies, and
- other Third Parties.

Handbook Content

The Handbook includes:

- **Introduction** of Metro's Development Review coordination process, common concerns, and typical stages of review.
- **Information** on best practices during three key coordination phases to avoid potential conflicts or create compatibility with the Metro transit system:
 - Planning & Conceptual Design,
 - Engineering & Technical Review, and
 - Construction Safety & Monitoring.
- **Glossary** with definitions for key terms used throughout the Handbook.

RULE OF THUMB: 100 FEET

Metro's Development Review process applies to projects that are within 100 feet of Metro transit facilities.

While the Handbook summarizes key concerns and best practices for adjacency conditions, it does not replace Metro's technical requirements and standards.

Prior to receiving approval for any construction activities adjacent to, above, or below Metro facilities, Third Parties must comply with the Metro Adjacent Construction Design Manual, available on Metro's website.

Contact Us

For questions, contact the Development Review Team:

- Email: devreview@metro.net
- Phone: 213.418.3484
- Online In-take Form: <https://jpropublic.metro.net/in-take-form>

Additional Information & Resources

- Metro Development & Construction Coordination website: <https://www.metro.net/devreview>
- Metro GIS/KML ROW Files: <https://developer.metro.net/portfolio-item/metro-right-of-way-gis-data>
- Metrolink Standards and Procedures: <https://www.metrolinktrains.com/about/agency/engineering--construction>

Metro will continue to revise the Handbook, as needed, to reflect updates to best practices in safety, operations, and transit-supportive development.

Background

Who is Metro?

The Los Angeles County Metropolitan Transportation Authority (Metro) plans, funds, builds, and operates rail, bus, and other mobility services (e.g. bikeshare, microtransit) throughout Los Angeles County (LA County). On average, Metro moves 1.3 million people each day on buses and trains. With funding from the passage of Measure R (2008) and Measure M (2016), the Metro system is expanding. Over the next 40 years, Metro will build over 60 new stations and over 100 miles of transit right-of-way (ROW). New and expanded transit lines will improve mobility across LA County, connecting riders to more destinations and expanding opportunities for development that supports transit ridership. Metro facilities include:



Metro Rail: Metro operates heavy rail (HRT) and light rail (LRT) transit lines in underground tunnels, along streets, off-street in dedicated ROW, and above street level on elevated structures. Heavy rail trains are powered by a “third rail” along the tracks. Light rail vehicles are powered by overhead catenary systems (OCS). To support rail operations, Metro owns and maintains traction power substations (TPSS), maintenance yards, and other infrastructure.



Metrolink/Regional Rail: Metro owns a majority of the ROW within LA County on which the Southern California Regional Rail Authority (SCRRA) operates Metrolink service. Metrolink is a commuter rail system with seven lines that span 388 miles across five counties, including: Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego. As a SCRRA member agency and property owner, Metro reviews development activity adjacent to Metro-owned ROW on which Metrolink operates, and coordinates with Metrolink on any comments or concerns. Metrolink has its own set of standards and processes, see link on page 1.



Metro Bus Rapid Transit (BRT): Metro operates accelerated bus transit, which acts as a hybrid between rail and traditional bus service. Metro BRT may operate in a dedicated travel lane within a street or freeway, or off-street along dedicated ROW. Metro BRT stations may be located on sidewalks within the public right-of-way, along a median in the center of streets, or off-street on Metro-owned property.



Metro Bus: Metro operates 170 bus lines across more than 1,400 square miles in LA County. The fleet serves over 15,000 bus stops with approximately 2,000 buses. Metro operates “Local” and “Rapid” bus service within the street, typically alongside vehicular traffic, though occasionally in “bus-only” lanes. Metro bus stops are typically located on sidewalks within the public right-of-way, which is owned and maintained by local jurisdictions. Metro’s [NextGen Bus Plan](#) re-visions bus service across LA County to make service improvements that better serve riders.

Why is Metro interested in adjacent development?

Metro Supports Transit Oriented Communities: Metro is redefining the role of the transit agency by expanding mobility options, promoting sustainable urban design, and helping transform communities throughout LA County. Metro seeks to partner with local, state, and federal jurisdictions, developers, property owners and other stakeholders across LA County on transit-supportive planning and developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Adjacent Development Leads to Transit Oriented Communities: Metro supports private development adjacent to transit as this presents a mutually beneficial opportunity to enrich the built environment and expand mobility options. By connecting communities, destinations, and amenities through improved access to public transit, adjacent developments have the potential to:

- reduce auto dependency,
- reduce greenhouse gas emissions,
- promote walkable and bikeable communities that accommodate more healthy and active lifestyles,
- improve access to jobs and economic opportunities, and
- create more opportunities for mobility – highly desirable features in an increasingly urbanized environment.

Opportunity: Acknowledging an unprecedented opportunity to influence how the built environment develops along and around transit and its facilities, Metro has created this document. The Handbook helps ensure compatibility between private development and Metro's transit infrastructure to minimize operational, safety, and maintenance issues. It serves as a crucial first step to encourage early and active collaboration with local stakeholders and identify potential partnerships that leverage Metro initiatives and support TOCs across LA County.



Metro Purview & Concerns

Metro Purview for Review & Coordination

Metro is interested in reviewing development, construction, and utility projects within 100 feet of Metro transit facilities, real estate assets, and ROW – as measured from the edge of the ROW outward – both to ensure the structural safety of existing or planned transit infrastructure and to maximize integration opportunities with adjacent development. The Handbook seeks to:

- Improve communication and coordination between developers, jurisdictions, and Metro.
- Identify common concerns associated with developments adjacent to Metro ROW.
- Highlight Metro operational needs and requirements to ensure safe, continuous service.
- Prevent potential impacts to Metro transit service or infrastructure.
- Maintain access to Metro facilities for riders and operational staff.
- Avoid preventable conflicts resulting in increased development costs, construction delays, and safety impacts.
- Streamline the review process to be transparent, clear, and efficient.
- Assist in the creation of overall marketable and desirable developments.

Key Audiences for Handbook

The Handbook is intended to be used by:

- Local jurisdictions who review, entitle, and permit development projects and/or develop policies related to land use, development standards, and mobility,
- Developers, property owners,
- Architects, engineers, design consultants,
- Builders/contractors,
- Entitlement consultants,
- Environmental consultants,
- Utility companies, and
- other Third Parties.

Metro Assets & Common Concerns for Adjacent Development

The table on the facing page outlines common concerns for development projects and/or construction activities adjacent to Metro transit facilities and assets. These concerns are discussed in greater detail in the following chapters of the Handbook.

METRO ASSETS

COMMON ADJACENCY CONCERNS



UNDERGROUND ROW

Transit operates below ground in tunnels.

- Excavation near tunnels and infrastructure
- Clearance from support structures (e.g. tiebacks, shoring, etc)
- Coordination with utilities
- Clearance from ventilation shafts, surface penetrations (e.g. emergency exits)
- Surcharge loading of adjacent construction
- Explosions
- Noise and vibration/ground movement
- Storm water drainage



AERIAL ROW

Transit operates on elevated guideway, typically supported by columns.

- Excavation near columns and support structures
- Column foundations
- Clearance from OCS
- Overhead protection and crane swings
- Setbacks from property line for maintenance activities to occur without entering ROW
- Coordination with utilities
- Noise reduction (e.g. double-paned windows)



AT-GRADE ROW

Transit operates in dedicated ROW at street level; in some cases tracks are separated from adjacent property by fence or wall.

- Pedestrian and bicycle movements and safety
- Operator site distance/cone of visibility
- Clearance from OCS
- Crane swings and overhead protection
- Trackbed stability
- Storm water drainage
- Noise/vibration
- Driveways near rail crossings
- Setbacks from property line for maintenance activities to occur without entering ROW
- Utility coordination



BUS STOPS

Metro operates bus service on city streets. Bus stops are located on public sidewalks.

- Lane closures and re-routing service during construction
- Temporary relocation of bus stops
- Impacts to access to bus stops



NON-REVENUE/OPERATIONAL

Metro owns and maintains property to support operations (e.g. bus and rail maintenance facilities, transit plazas, traction power substations, park-and-ride parking lots).

- Excavation and clearance from support structures (e.g. tiebacks, shoring, etc)
- Ground movement
- Drainage
- Utility coordination
- Access to property

Metro Coordination Process

Typical Stages of Metro Review and Coordination

Early coordination helps avoid conflicts between construction activities and transit operations and maximizes opportunities to identify synergies between the development project and Metro transit services that are mutually beneficial.



*Phases above may include fees for permits and reimbursement of Metro staff time for review and coordination.

Coordination Goal: Metro encourages developers to consult with the Development Review Team early in the design process to ensure compatibility with transit infrastructure and minimize operational, safety, and maintenance issues with adjacent development. The Development Review team will serve as a case manager to developers and other Third Parties to facilitate the review of plans and construction documents across key Metro departments.

Level of Review: Not all adjacent projects will require significant review and coordination with Metro. The level of review depends on the Project's proximity to Metro, adjacency conditions, and the potential to impact Metro facilities and/or services. For example, development projects that are excavating near Metro ROW or using cranes near transit facilities require a greater level of review and coordination. Where technical review and construction monitoring is needed, Metro charges fees for staff time, as indicated by asterisk in the above diagram.

Permit Clearance: Within the City of Los Angeles, Metro reviews and clears Building & Safety permits for projects within 100 feet of Metro ROW, pursuant to [Zoning Information 1117](#). To ensure timely clearance of these permits, Metro encourages early coordination as noted above.

To begin consultation, submit project information via an online [In-Take Form](#), found on Metro's website. Metro staff will review project information and drawings to screen the project for any potential impacts to transit facilities or services, and determine if require further review and coordination is required. The sample sections on the facing page illustrate adjacency condition information that helps Metro complete project screening.

Contact:

Metro Development Review Team

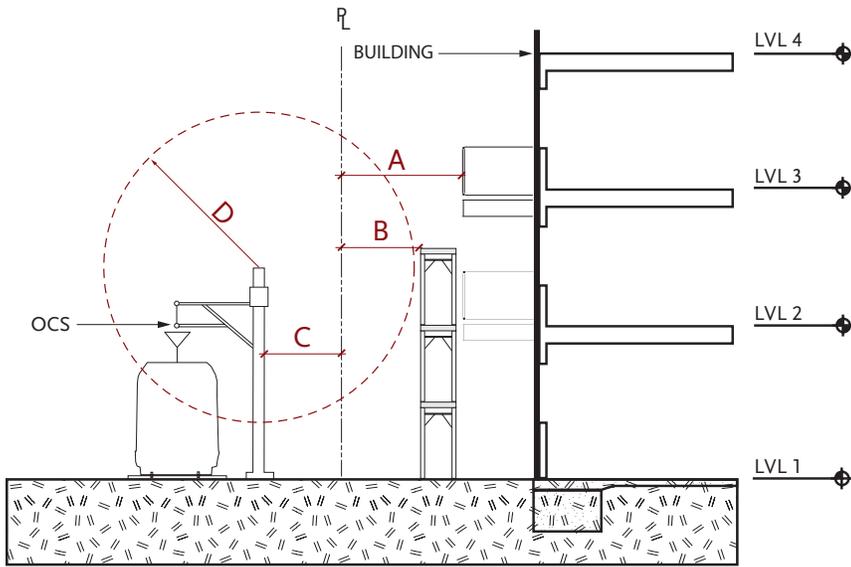
Website: <https://www.metro.net/devreview>

Online In-take Form: <https://jpublic.metro.net/in-take-form>

Email: devreview@metro.net

Phone: 213.418.3484

Sample Section: Adjacency Conditions



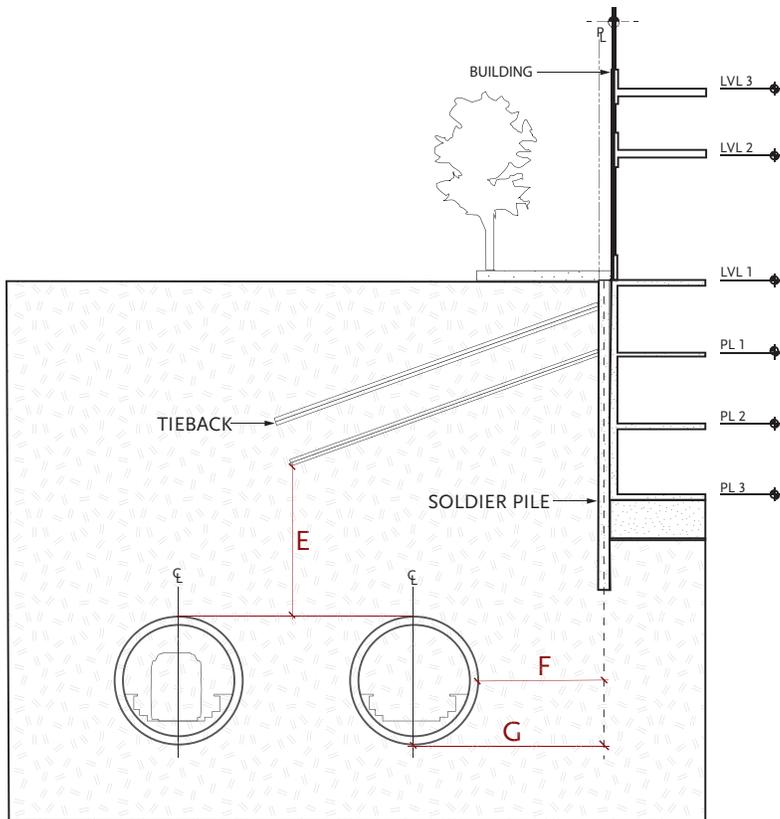
AT-GRADE CONDITION

A. Distance from property line to nearest permanent structure (e.g. building facade, balconies, terraces). Refer to Section 1.3 Building Setback of Handbook.

B. Distance from property line to nearest temporary construction structures (e.g. scaffolding).

C. Distance from property line to nearest Metro facility.

D. Clearance from nearest temporary and/or permanent structure to overhead catenary system (OCS). Refer to Section 1.4, OCS Clearance of Handbook.



BELOW-GRADE CONDITION

E. Vertical distance from top of Metro tunnel to closest temporary and/or permanent structure (e.g. tiebacks, foundation). Refer to Section 2.2, Proximity to Tunnels & Underground Infrastructure of Handbook.

F. Horizontal distance from exterior tunnel wall to nearest structure.

G. Horizontal distance from Metro track centerline to nearest structure.

Best Practices

Best Practices for Developer Coordination

Metro encourages developers of projects adjacent to Metro ROW and/or Real Estate Assets to take the following steps to facilitate Metro project review and approval:

1. **Review Metro resources and policies:** The Metro Development & Construction Coordination website and Handbook provide important information for those interested in constructing on, adjacent, over, or under Metro ROW, non-revenue property, or transit facilities. Developers and other Third Parties should familiarize themselves with these resources and keep in mind common adjacency concerns when planning a project.
2. **Contact Metro early during design process:** Metro welcomes the opportunity to provide feedback early in project design, allowing for detection and resolution of important adjacency issues, identification of urban design and system integration opportunities, and facilitation of permit approval. Metro encourages project submittal through the online [In-Take Form](#) to begin consultation.
3. **Maintain communication:** Frequent communication with Metro during project design and construction will reinforce relationships and allow for timely project completion. Contact us at devreview@metro.net or at 213.418.3484.

Best Practices for Local Jurisdiction Notification

To improve communication between Metro and the development community, Metro suggests that local jurisdictions take the following steps to notify property owners of coordination needs for properties adjacent to Metro ROW by:

- **Updating GIS and parcel data:** Integrate Metro ROW files into the City/County GIS and/or Google Earth Files for key departments (e.g. Planning, Public Works, Building & Safety) to notify staff of Metro adjacency and need for coordination during development approval process. Download Metro's ROW files [here](#).
- **Flag Parcels:** Create an overlay zone as part of local Specific Plan(s) and/or Zoning Ordinance(s) to tag parcels that are within 100 feet Metro ROW and require coordination with Metro early during the development process [e.g. City of Los Angeles Zone Information and Map Access System (ZI-1117)].
- **Provide Resources:** Direct all property owners and developers interested in parcels within 100 feet of Metro ROW to Metro's resources (e.g. website, Handbook).



Metro

Downtown
Santa
Monica



santamonica.com



Site Plan & Conceptual Design

Site Plan & Conceptual Design

1.1 Supporting Transit Oriented Communities

Transit-oriented communities (TOCs) are places that, by their design, make it more convenient to take transit, walk, bike or roll than to drive. By working closely with the development community and local jurisdictions, Metro seeks to ensure safe construction near Metro facilities and improve compatibility with adjacent development to increase transit ridership.

RECOMMENDATION: Consider site planning and building design strategies to that support transit ridership, such as:

- Leveraging planning policies and development incentives to design a more compelling project that capitalizes on transit adjacency and economy of scales.
- Programming a mix of uses to create lively, vibrant places that are active day and night.
- Utilizing Metro policies and programs that support a healthy, sustainable, and welcoming environment around transit service and facilities.
- Prioritizing pedestrian-scaled elements to create spaces that are comfortable, safe, and enjoyable.
- Activating ground floor with retail and outdoor seating/activities to bring life to the public environment.
- Reducing and screening parking to focus on pedestrian activity.
- Incorporating environmental design elements that help reduce crime (e.g. windows and doors that face public spaces, lighting).



The Wilshire/Vermont Metro Joint Development project leveraged existing transit infrastructure to catalyze a dynamic and accessible urban environment. This project accommodates portal access into the Metro Rail system and on-street bus facilities.



1.2 Enhancing Access to Transit

Metro seeks to create a comprehensive, integrated transportation network and supports infrastructure and design that allows safe and convenient access to its multi-modal services. Projects in close proximity to Metro's services and facilities present an opportunity to enhance the public realm and connections to/from these services for transit riders as well as users of the developments.

RECOMMENDATION: Design projects with transit access in mind. Project teams should capitalize on the opportunity to improve the built environment and enhance the public realm for pedestrians, bicyclists, persons with disabilities, seniors, children, and users of green modes. Metro recommends that projects:

- Orient major entrances to transit service, making access and travel safe, intuitive, and convenient.
- Plan for a continuous canopy of shade trees along all public right-of-way frontages to improve pedestrian comfort to transit facilities.
- Add pedestrian lighting along paths to transit facilities and nearby destinations.
- Integrate wayfinding and signage into project design.
- Enhance nearby crosswalks and ramps.
- Ensure new walkways and sidewalks are clear of any obstructions, including utilities, traffic control devices, trees, and furniture.
- Design for seamless, multi-modal pedestrian connections, making access easy, direct, and comfortable.



The City of Santa Monica leveraged investments in rail transit and reconfigured Colorado Avenue to form a multi-modal first/last mile gateway to the waterfront from the Downtown Santa Monica Station. Photo by PWP Landscape Architecture

Site Plan & Conceptual Design

1.3 Building Setback

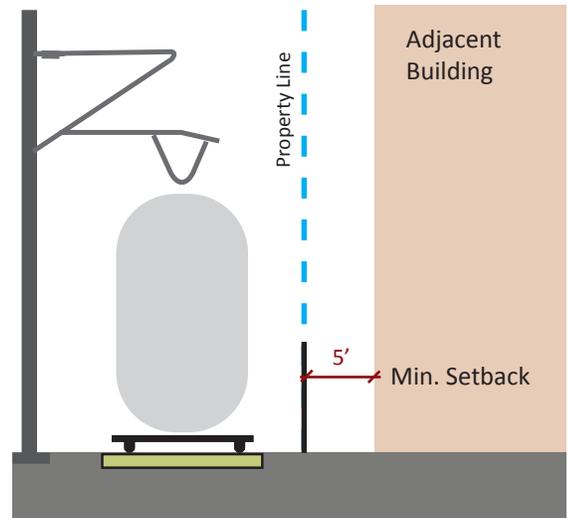
Buildings and structures with a zero lot setback that closely abut Metro ROW can pose concerns to Metro during construction. Encroachment onto Metro property to construct or maintain buildings is strongly discouraged as this presents safety hazards and may disrupt transit service and/or damage Metro infrastructure.

RECOMMENDATION: Include a minimum setback of five (5) feet from the property line to building facade to accommodate the construction and maintenance of structures without the need to encroach upon Metro property. As local jurisdictions also have building setback requirements, new developments should comply with the greater of the two requirements.

Entry into the ROW by parties other than Metro and its affiliated partners requires written approval. Should construction or maintenance of a development necessitate temporary or ongoing access to Metro ROW, a Metro Right of Entry Permit must be requested and obtained from Metro Real Estate for every instance access is required. Permission to enter the ROW is granted solely at Metro's discretion.

Coordination between property owners of fences, walls, and other barriers along property line is recommended. See Section 1.5.

Refer to Section 3.2 – Track Access and Safety for additional information pertaining to ROW access in preparation for construction activities.



A minimum setback of five (5) feet between an adjacent structure and Metro ROW is strongly encouraged to allow project construction and ongoing maintenance without encroaching on Metro property.

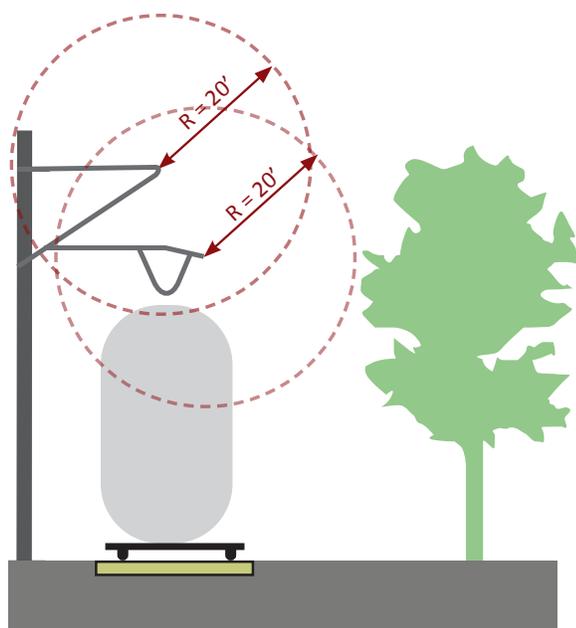


1.4 Overhead Catenary System (OCS) Clearance

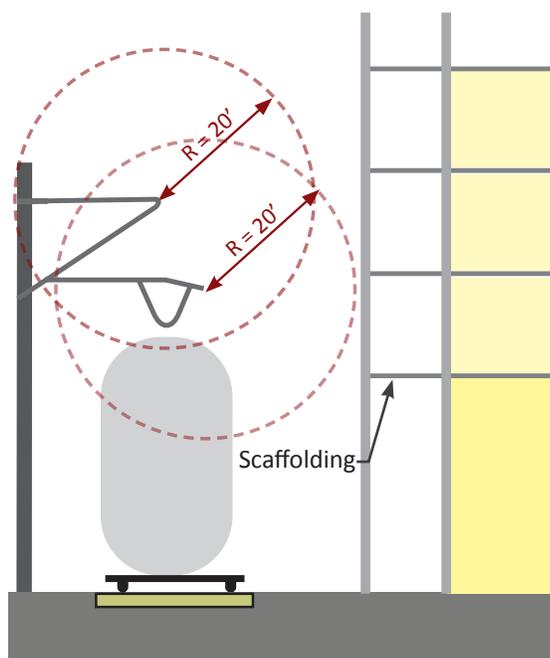
Landscaping and tree canopies can grow into the OCS above light rail lines, creating electrical safety hazards as well as visual and physical impediments for trains. Building appurtenances facing rail ROW, such as balconies, may also pose safety concerns to Metro operations as objects could fall onto the OCS.

RECOMMENDATION: Design project elements facing the ROW to avoid potential conflicts with Metro transit vehicles and infrastructure. Metro recommends that projects:

- Plan for landscape maintenance from private property and prevent growth into Metro ROW. Property owners will not be permitted to access Metro property to maintain private development.
- Design buildings such that balconies do not provide building users direct access to Metro ROW.
- Maintain building appurtenances and landscaping at a minimum distance of ten (10) feet from the OCS and support structures. If Transmission Power (TP) feeder cable is present, twenty (20) feet from the OCS and support structures is required. Different standards will apply for Metro Trolley Wires, Feeder Cables (wires) and Span Wires.



Adjacent structures and landscaping should be sited and maintained to avoid conflicts with the rail OCS.



Scaffolding and construction equipment should be staged to avoid conflicts with the rail OCS.

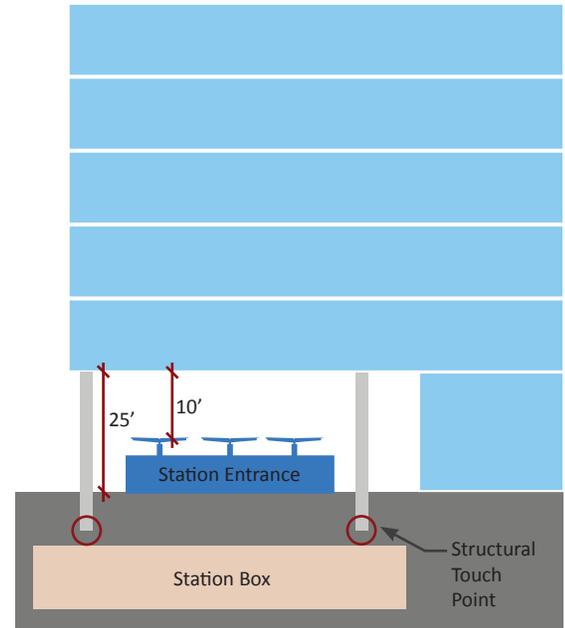
Site Plan & Conceptual Design

1.5 Underground Station Portal Clearance

Metro encourages transit-oriented development. Where development is planned above station entrances, close coordination is needed for structural safety as well as access for patrons, operations, and maintenance. Below are key design rules of thumb for development planned to cantilever over an entrance to an underground Metro Rail station.

RECOMMENDATION:

1. Preserve 25 feet clearance at minimum from plaza grade and the building structure above.
2. Preserve 10 feet clearance at minimum between portal roof and building structure above.
3. Coordinate structural support system and touchdown points to ensure a safe transfer of the building loads above the station portal.
4. Coordinate placement of structural columns and amenities (e.g. signage, lighting, furnishings) at plaza level to facilitate direct and safe connections for people of all mobile abilities to and from station entrance(s).
5. Develop a maintenance plan for the plaza in coordination with Metro.



Projects that propose to cantilever over Metro subway portals require close coordination with Metro Engineering.



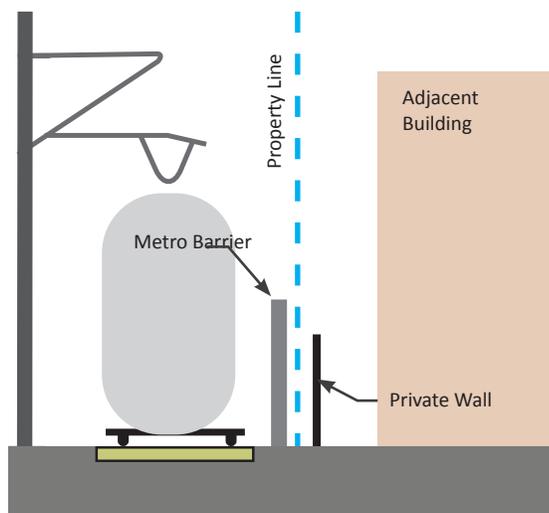
1.6 Shared Barrier Construction & Maintenance

In areas where Metro ROW abuts private property, barrier construction and maintenance responsibilities can be a point of contention with property owners. When double barriers are constructed, the gap created between the Metro-constructed fence and a private property owner's fence can accumulate trash and make regular maintenance challenging without accessing the other party's property.

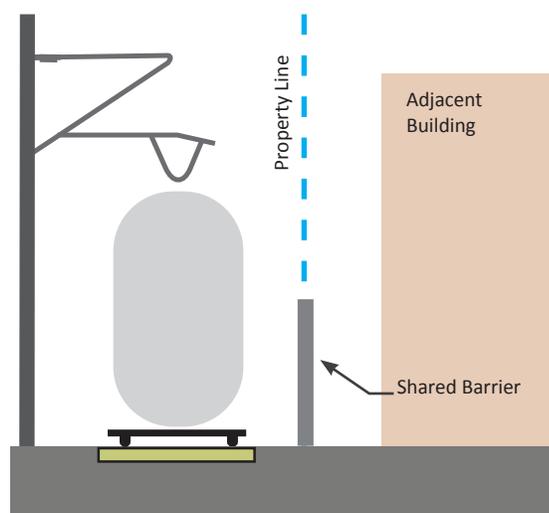
RECOMMENDATION: Coordinate with Metro Real Estate to create a single barrier condition along the ROW property line. With an understanding that existing conditions along ROW boundaries vary throughout LA County, Metro recommends the following, in order of preference:

- **Enhance existing Metro barrier:** if structural capacity allows, private property owners and developers should consider physically affixing improvements onto and building upon Metro's existing barrier. Metro is amenable to barrier enhancements such as increasing barrier height and allowing private property owners to apply architectural finishes to their side of Metro's barrier.
- **Replace existing barrier(s):** if conditions are not desirable, remove and replace any existing barrier(s), including Metro's, with a new single "shared" barrier built on the property line.

Metro is amenable to sharing costs for certain improvements that allow for clarity in responsibilities and adequate ongoing maintenance from adjacent property owners without entering Metro's property. Metro Real Estate should be contacted with case-specific questions and will need to approve shared barrier design, shared financing, and construction.



Double barrier conditions allow trash accumulation and create maintenance challenges for Metro and adjacent property owners.



Metro prefers a single barrier condition along its ROW property line.

Site Plan & Conceptual Design

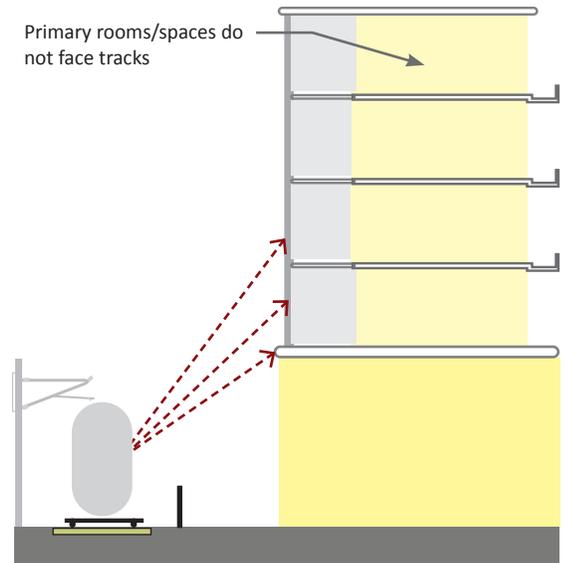
1.7 Project Orientation & Noise Mitigation

Metro may operate in and out of revenue service 24 hours per day, every day of the year, which can create noise and vibration (i.e. horns, power washing). Transit service and maintenance schedules cannot be altered to avoid noise for adjacent developments. However, noise and vibration impacts can be reduced through building design and orientation.

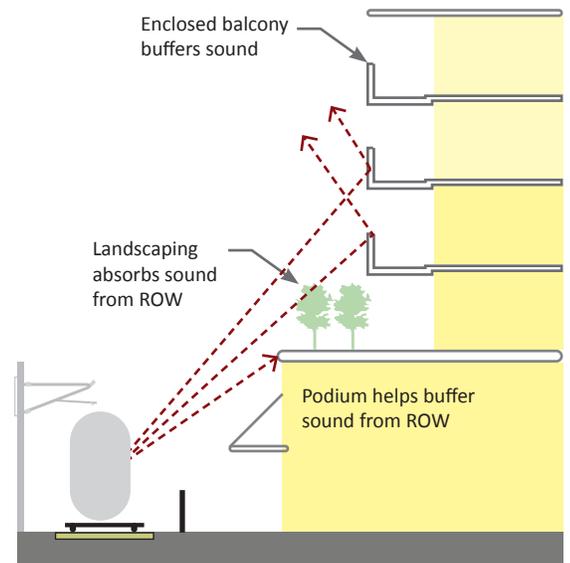
RECOMMENDATION: Use building orientation, programming, and design techniques to reduce noise and vibration for buildings along Metro ROW:

- Locate secondary or “back of house” rooms (e.g. bathrooms, stairways, laundry rooms) along ROW, rather than primary living spaces that are noise sensitive (e.g. bedrooms and family rooms).
- Use upper level setbacks and locate living spaces away from ROW.
- Enclose balconies.
- Install double-pane windows.
- Include language disclosing potential for noise, vibration, and other impacts due to transit proximity in terms and conditions for building lease or sale agreements to protect building owners/sellers from tenant/buyer complaints.

Developers are responsible for any noise mitigation required, which may include engineering designs for mitigation recommended by Metro or otherwise required by local municipalities. A recorded Noise Easement Deed in favor of Metro may be required for projects within 100 feet of Metro ROW to ensure notification to tenants and owners of any proximity issues.



Building orientation can be designed to face away from tracks, reducing the noise and vibration impacts.



Strategic placement of podiums and upper-level setbacks on developments near Metro ROW can reduce noise and vibration impacts.



1.8 At-Grade Rail Crossings

New development is likely to increase pedestrian activity at rail crossings. Safety enhancements may be needed to upgrade existing rail crossings to better protect pedestrians.

RECOMMENDATION: Coordinate with Metro, the California Public Utilities Commission (CPUC), and any other transit operators using the crossing (e.g. Metrolink) to determine if safety enhancements are needed for nearby rail crossings.

While Metro owns and operates the rail ROW, the CPUC regulates all rail crossings. Contact the CPUC early in the design process to determine if they will require any upgrades to existing rail crossings. The CPUC may request to review development plans and hold a site visit to understand future pedestrian activity. Metro's Corporate Safety Department can support the developer in coordination with the CPUC.



Gates and pedestrian arms are common types of safety elements for pedestrians at rail crossings.



Safety elements of a gate and pedestrian arms have been constructed at the Monrovia Station.

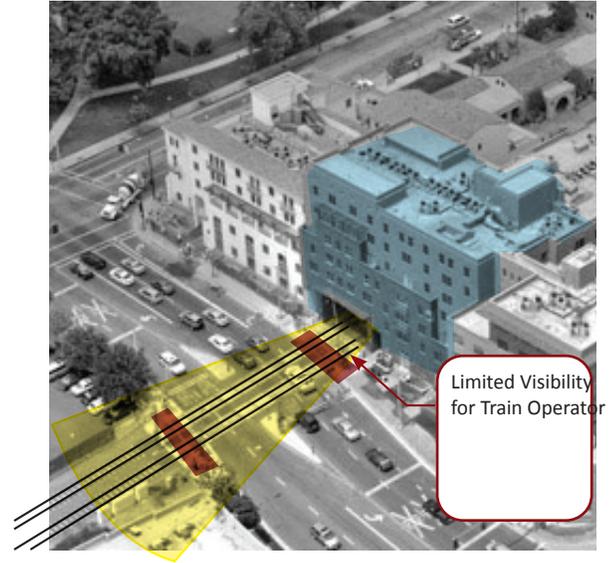
Site Plan & Conceptual Design

1.9 Sight-Lines at Crossings

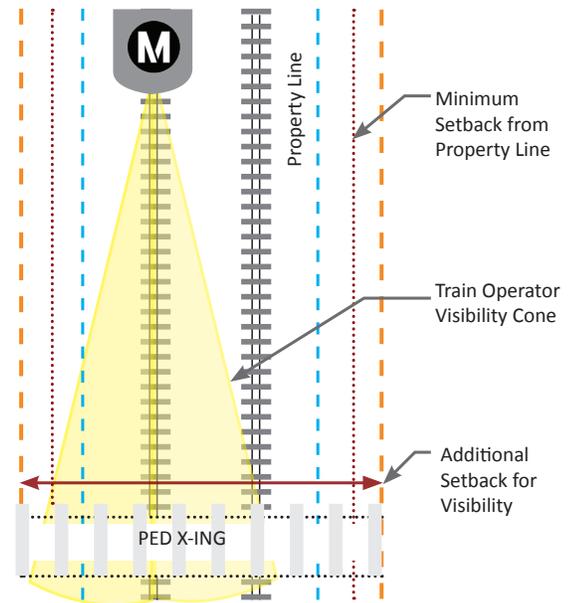
Developments adjacent to Metro ROW can present visual barriers to transit operators approaching vehicular and pedestrian crossings. Buildings and structures in close proximity to transit corridors can reduce sight-lines and create blind corners where operators cannot see pedestrians. This requires operations to reduce train speeds, which decreases efficiency of transit service.

RECOMMENDATION: Design buildings to maximize transit service sight-lines at crossings, leaving a clear cone of visibility to oncoming vehicles and pedestrians.

Metro Rail Operations will review, provide guidance, and determine the extent of operator visibility for safe operations. If the building envelope overlaps with the visibility cone near pedestrian and vehicular crossings, a building setback may be necessary to ensure safe transit service. The cone of visibility at crossings and required setback will be determined based on vehicle approach speed.



Limited sight-lines for trains approaching street crossings create unsafe conditions.



Visibility cones allow train operators to respond to safety hazards.

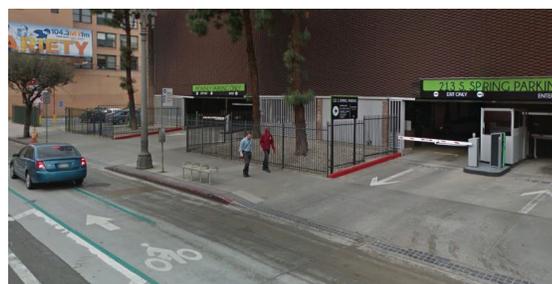


1.10 Driveway/Access Management

Driveways adjacent to on-street bus stops can create conflict for pedestrians walking to/from or waiting for transit. Additionally, driveways accessing parking lots and loading zones at project sites near Metro Rail and BRT crossings can create queuing issues along city streets and put vehicles in close proximity to fast moving trains and buses, which pose safety concerns.

RECOMMENDATION: Site driveways and other vehicular entrances to avoid conflicts with pedestrians, bicycles, and transit vehicles by:

- Placing driveways along side streets and alleys, away from on-street bus stops and transit crossings to minimize safety conflicts between active ROW, transit vehicles, and people, as well as queuing on streets.
- Locating vehicular driveways away from transit crossings or areas that are likely to be used as waiting areas for transit services.
- Placing loading docks away from sidewalks where transit bus stop activity is/will be present.
- Consolidating vehicular entrances and reduce width of driveways.
- Using speed tables to slow entering/exiting automobiles near pedestrians.
- Separating pedestrian walkways to minimize conflict with vehicles.
- Encouraging safe non-motorized travel.



Driveways in close proximity to each other compromise safety for those walking to/from transit and increase the potential for vehicle-pedestrian conflicts.

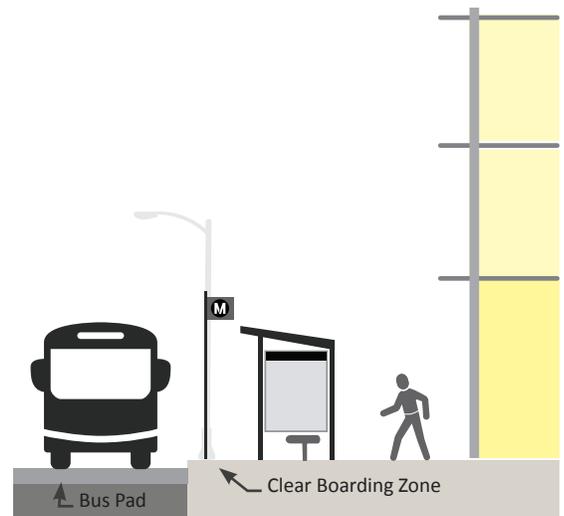
Site Plan & Conceptual Design

1.11 Bus Stop & Zones Design

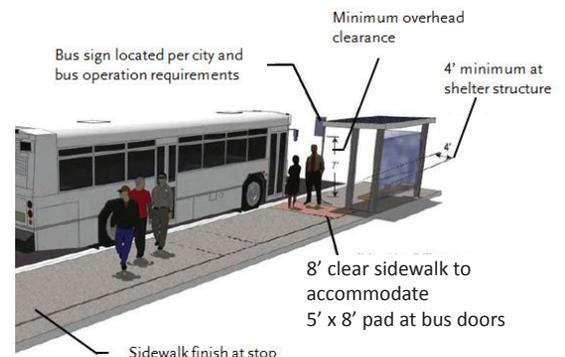
Metro Bus serves over 15,000 bus stops throughout the diverse landscape that is LA County. Typically located on sidewalks within public right-of-way owned and maintained by local jurisdictions, existing bus stop conditions vary from well-lit and sheltered spaces to uncomfortable and unwelcoming zones. Metro is interested in working with developers and local jurisdictions to create a vibrant public realm around new developments by strengthening multi-modal access to/from Metro transit stops and enhancing the pedestrian experience.

RECOMMENDATION: When designing around existing or proposed bus stops:

- Review Metro’s Transit Service Policy, which provides standards for design and operation of bus stops and zones for near-side, far-side, and mid-block stops.
- Review Metro’s Transfers Design Guide for more information at <https://www.metro.net/projects/station-design-projects/>
- Accommodate 5’ x 8’ landing pads at bus doors (front and back door, which are typically 23 to 25 feet apart).
- Locate streetscape elements (e.g. tree planters, street lamps, benches, shelters, trash receptacles and newspaper stands) outside of bus door zones to protect transit access and ensure a clear path of travel.
- Install a concrete bus pad within each bus stop zone to avoid street asphalt damage.
- Replace stand-alone bus stop signs with bus shelters that include benches and adequate lighting.
- Design wide sidewalks (15’ preferred) that accommodate bus landing pads as well as street furniture, landscape, and user travel space.
- Consider tree species, height, and canopy shape (higher than 14’ preferred) to avoid vehicle conflicts at bus stops. Trees should be set back from the curb and adequately maintained to prevent visual and physical impediments for buses when trees reach maturity. Avoid planting of trees that have an invasive and shallow root system.



A concrete bus pad should be located at bus stops and bus shelters should be located along sidewalks to ensure an accessible path of travel to a clear boarding area.



Well-designed and accessible bus stops are beneficial amenities for both transit riders and users of adjacent developments.



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GORBEL, NEW YORK, U.S.A.
DANGER! DO NOT EXCEED RATED CAPACITY





Engineering & Technical Review

Engineering & Technical Review

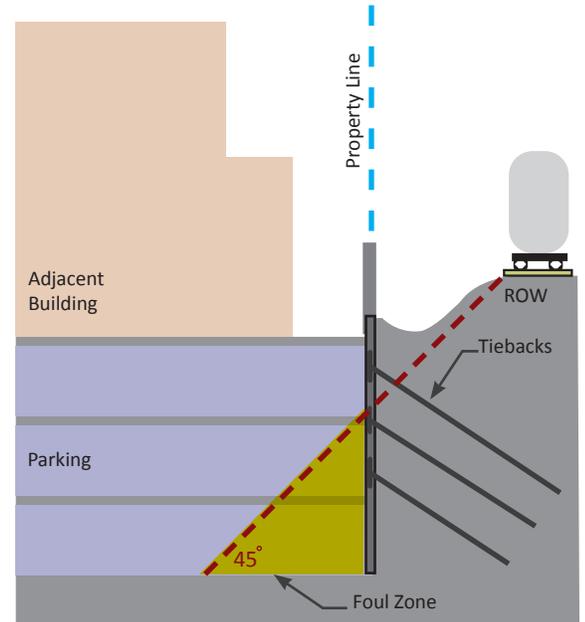
2.1 Excavation Support System Design

Excavation near Metro ROW has the potential to disturb adjoining soils and jeopardize support of existing Metro infrastructure. Any excavation which occurs within the geotechnical foul zone relative to Metro infrastructure is subject to Metro review and approval and meet Cal/OSHA requirements. This foul zone or geotechnical zone of influence shall be defined as the area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast. Construction within this vulnerable area poses a potential risk to Metro service and requires additional Metro Engineering review.

RECOMMENDATION: Coordinate with Metro Engineering staff for review and approval of the excavation support system drawings and calculations prior to the start of excavation or construction. Tiebacks encroaching into Metro ROW may require a tieback easement or license, at Metro's discretion.

Any excavation/shoring within Metrolink operated and maintained ROW will require compliance with SCRRRA Engineering standards and guidelines.

See page 7 for a sample section showing Metro adjacent conditions.



An underground structure located within the ROW foul zone would require additional review by Metro.



2.2 Proximity to Tunnels & Underground Infrastructure

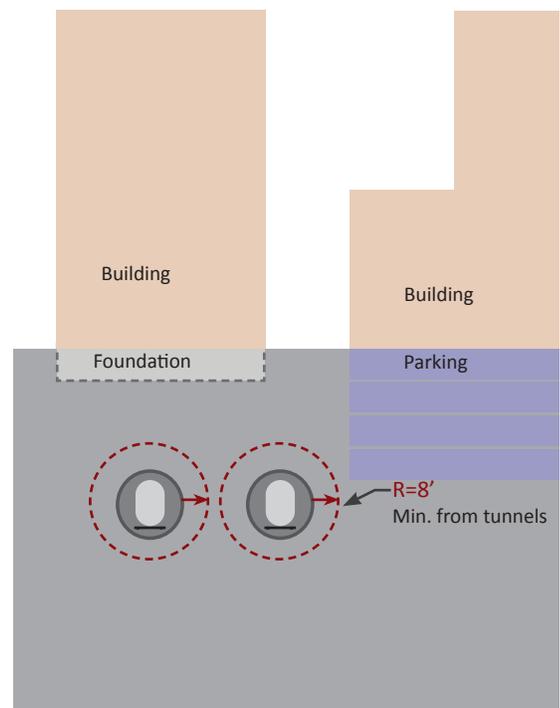
Construction adjacent to, over, or below underground Metro facilities (tunnels, stations and appendages) is of great concern and should be coordinated closely with Metro Engineering.

RECOMMENDATION: Coordinate with Metro early in the design process when proposing to build near underground Metro infrastructure. Metro typically seeks to maintain a minimum eight (8) foot clearance from existing Metro facilities to new construction (shoring or tiebacks). It will be incumbent upon the developer to demonstrate, to Metro's satisfaction, that both the temporary support of construction and the permanent works do not adversely affect the structural integrity, safety, or continued efficient operation of Metro facilities.

Dependent on the nature of the adjacent construction, Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations.

Metro may require monitoring where such work will either increase or decrease the existing overburden (i.e. weight) to which the tunnels or facilities are subjected. When required, the monitoring will serve as an early indication of excessive structural strain or movement. See Section 3.4, Excavation Drilling/Monitoring for additional information regarding monitoring requirements.

See page 7 for a sample section showing Metro adjacent conditions.

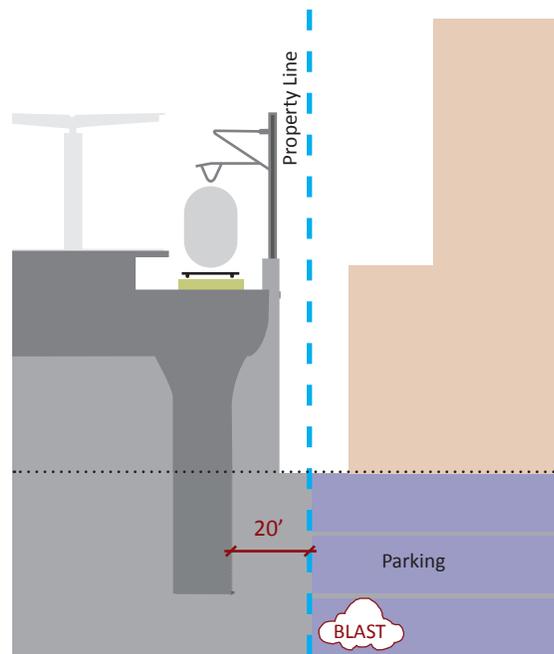


Adjacent project structures in close proximity to underground Metro infrastructure will require additional review by Metro.

2.3 Protection from Explosion/Blast

Metro is obligated to ensure the safety of public transit infrastructure from potential explosive sources which could originate from adjacent underground structures or from at-grade locations, situated below elevated guideways or near stations. Blast protection setbacks or mitigation may be required for large projects constructed near critical Metro facilities.

RECOMMENDATION: Avoid locating underground parking or basement structures within twenty (20) feet from an existing Metro tunnel or facility (exterior face of wall to exterior face of wall). Adjacent developments within this 20-foot envelope may be required to submit a Threat Assessment and Blast/Explosion Study for Metro review and approval.



An underground structure proposed within twenty (20) feet of a Metro structure may require a Threat Assessment and Blast/Explosion Study.

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Construction Safety & Management

Construction Safety & Management

3.1 Pre-Construction Coordination

Metro is concerned with impacts to service requiring rail single line tracking, line closures, speed restrictions, and bus bridging occurring as a result of adjacent project construction. Projects that will require work over, under, adjacent, or on Metro property or ROW and include operation of machinery, scaffolding, or any other potentially hazardous work are subject to evaluation in preparation for and during construction to maintain safe transit operations and passenger well-being.

RECOMMENDATION: Following an initial screening of the project, Metro may determine that additional on-site coordination may be necessary. Dependent on the nature of the adjacent construction, developers may be requested to perform the following as determined on a case-by-case basis:

- Submit a construction work plan and related project drawings and specifications for Metro review.
- Submit a contingency plan, show proof of insurance coverage, and issue current certificates.
- Provide documentation of contractor qualifications.
- Complete pre-construction surveys, perform baseline readings, and install movement instrumentation.
- Complete readiness review and perform practice run of transit service shutdown per contingency plan.
- Designate a ROW observer or other safety personnel and an inspector from the project's construction team.
- Establish a coordination process for access and work in or adjacent to ROW for the duration of construction.

Project teams will be responsible for the costs of adverse impacts to Metro transit operations caused by work on adjacent developments, including remedial work to repair damage to Metro property, facilities, or systems. Additionally, a Construction Monitoring fee may be assessed based on an estimate of required level of effort provided by Metro.

All projects adjacent to Metrolink infrastructure will require compliance with SCRRRA Engineering Standards and Guidelines.



Metro may need to monitor development construction near Metro facilities.



3.2 Track Access and Safety

Permission from Metro is required to enter Metro property for rail construction and maintenance along, above, or under Metro ROW as these activities can interfere with Metro utilities and service and pose a safety hazard to construction teams and transit riders. Track access is solely at Metro's discretion and is discouraged to prevent electrocution and collisions with construction workers or machines.

RECOMMENDATION: Obtain and/or complete the following to work in or adjacent to Metro Rail ROW:

1. **Construction Work Plan:** Dependent on the nature of adjacent construction, Metro may request a construction work plan, which describes means and methods and other construction plan details, to ensure the safety of transit operators and riders.
2. **Safety Training:** All members of the project construction team will be required to attend Metro Rail Safety Training before commencing work activity. Training provides resources and procedures when working near active rail ROW.
3. **Right of Entry Permit/Temporary Construction Easement:** All access to and activity on Metro property, including easements necessary for construction of adjacent projects, must be approved through a Right-of-Entry Permit and/or a Temporary Construction Easement obtained from Metro Real Estate and may require a fee.
4. **Track Allocation:** All work on Metro Rail ROW must receive prior approval from Metro Rail Operations Control. Track Allocation identifies, reserves, and requests changes to normal operations for a specific track section, line, station, location, or piece of equipment to allow for safe use by a non-Metro entity. If adjacent construction is planned in close proximity to active ROW, flaggers must be used to ensure safety of construction workers and transit riders.



Trained flaggers ensure the safe crossing of pedestrians and workers of an adjacent development.

Construction Safety & Management

3.3 Construction Hours

Building near active Metro ROW poses safety concerns and may require limiting hours of construction which impact Metro ROW to night or off-peak hours so as not to interfere with Metro revenue service. To maintain public safety and access for Metro riders, construction should be planned, scheduled, and carried out in a way to avoid impacts to Metro service and maintenance.

RECOMMENDATION: In addition to receiving necessary construction approvals from the local jurisdiction, all construction work on or in close proximity to Metro ROW must be scheduled through the Track Allocation Process, detailed in Section 3.2.

Metro prefers that adjacent construction with potential to impact normal, continuous Metro operations take place during non-revenue hours (approximately 1am-4am) or during non-peak hours to minimize impacts to service. The developer may be responsible for additional operating costs resulting from disruption to normal Metro service.



Construction during approved hours ensures the steady progress of adjacent development construction and minimizes impacts to Metro's transit service.



3.4 Excavation/Drilling Monitoring

Excavation is among the most hazardous construction activities and can pose threats to the structural integrity of Metro's transit infrastructure.

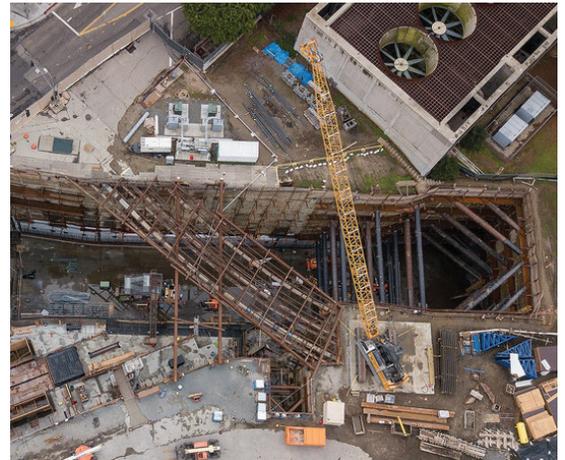
RECOMMENDATION: Coordinate with Metro Engineering to review and approve excavation and shoring plans during design and development, and well in advance of construction (see Sections 2.1 and 2.2).

Geotechnical instrumentation and monitoring will be required for all excavations occurring within Metro's geotechnical zone of influence, where there is potential for adversely affecting the safe and efficient operation of transit vehicles. Monitoring of Metro facilities due to adjacent construction may include the following as determined on a case-by-case basis:

- Pre- and post-construction condition surveys
- Extensometers
- Inclinometers
- Settlement reference points
- Tilt-meters
- Groundwater observation wells
- Movement arrays
- Vibration monitoring



Excavation and shoring plans must be reviewed by Metro to ensure structural compatibility with Metro infrastructure and safety during adjacent development construction.



A soldier pile wall used for Regional Connector station at 2nd/Hope.

Construction Safety & Management

3.5 Crane Operations

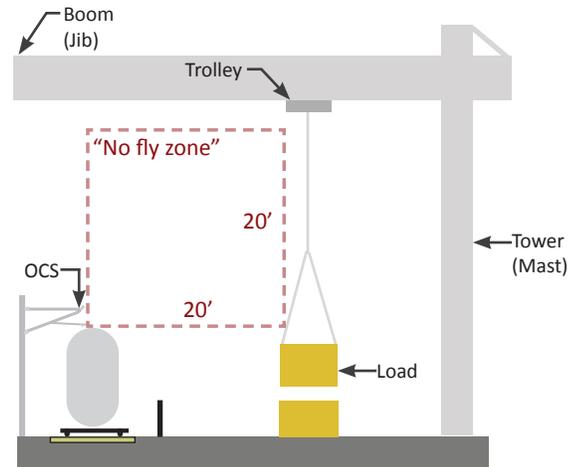
Construction activities adjacent to Metro ROW may require moving large, heavy loads of building materials and machinery using cranes. Cranes referenced here include all power-operated equipment that can hoist, lower, and horizontally move a suspended load. To ensure safety for Metro riders, operators, and transit facilities, crane operations adjacent to Metro ROW must follow the safety regulations and precautions below and are subject to California Occupational Safety and Health Administration (Cal/OSHA) standards.

RECOMMENDATION:

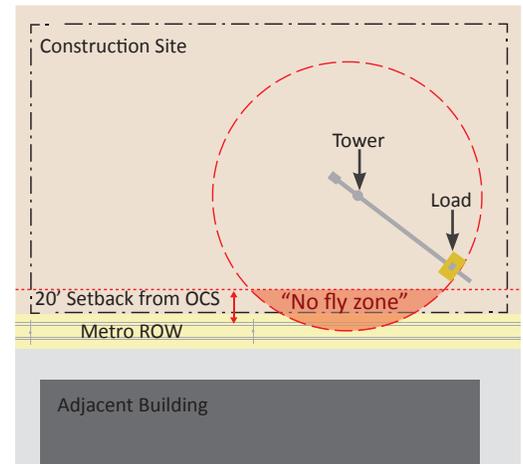
Coordinate with Metro to discuss construction methods and confirm if a crane work plan is required. Generally, crane safety near Metro's ROW and facilities largely depends on the following factors: 1) Metro's operational hours and 2) swinging a load over or near Metro power lines and facilities. Note:

1. Clearance: A crane boom may travel over energized Metro OCS only if it maintains a vertical 20-foot clearance and the load maintain a horizontal 20-foot clearance.
2. Power: Swinging a crane boom with a load over Metro facilities or passenger areas is strictly prohibited during revenue hours. To swing a load in the "no fly zone" (see diagrams to right), the construction team must coordinate with Metro to de-energize the OCS.
3. Weathervaning: When not in use, the crane boom may swing 360 degrees with the movement of the wind, including over energized Metro OCS, only if the trolley is fully retracted towards the crane tower and not carrying any loads.
4. Process: Developers and contractors must attend Metro Track Allocation (detailed in Section 3.2) to determine if Metro staff support is necessary during crane erection and load movement.
5. Permit: Developers must apply for a Metro Right-of-Entry permit to swing over Metro facilities.

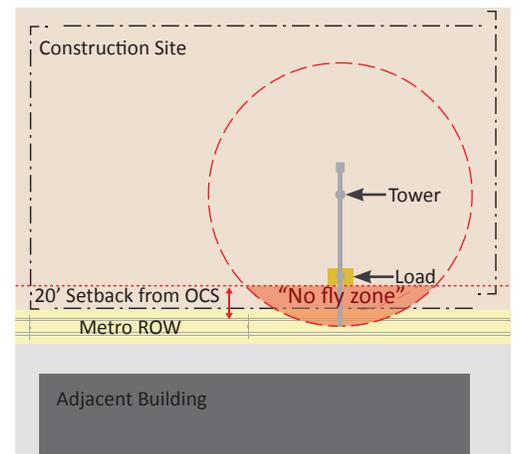
Project teams will bear all costs associated with impacts to Metro Rail operations and maintenance.



Cranes and construction equipment should be staged to avoid conflicts with the rail OCS.



Plan View: Crane swing and load are restricted near Metro ROW.



Plan View: While crane boom swings over "no fly zone," the trolley and load are retracted to maintain clearance from OCS.



3.6 Construction Barriers & Overhead Protection

During construction, falling objects can damage Metro facilities and pose a safety concern to the riders accessing them.

RECOMMENDATION: Erect vertical construction barriers and overhead protection compliant with Metro and Cal/OSHA requirements to prevent objects from falling into Metro ROW or areas designed for public access to Metro facilities. A protection barrier shall be constructed to cover the full height of an adjacent project and overhead protection from falling objects shall be provided over Metro ROW as necessary. Erection of the construction barriers and overhead protection for these areas shall be done during Metro non-revenue hours.



Overhead protection is required when moving heavy objects over Metro ROW or in areas designated for public use.



Constructed above is a wooden box over the entrance portal for overhead protection at the 4th/Hill Station.

Construction Safety & Management

3.7 Pedestrian & Emergency Access

Metro’s riders rely on the consistency and reliability of access and wayfinding to and from stations, stops, and facilities. Construction on adjacent property must not obstruct pedestrian access, fire department access, emergency egress, or otherwise present a safety hazard to Metro operations, its employees, riders, and the general public. Fire access and safe escape routes within all Metro stations, stops, and facilities must be maintained at all times.

RECOMMENDATION: Ensure pedestrian and emergency access from Metro stations, stops, and transit facilities is compliant with the Americans with Disabilities Act (ADA) and maintained during construction:

- Temporary fences, barricades, and lighting should be installed and watchmen provided for the protection of public travel, the construction site, adjacent public spaces, and existing Metro facilities.
- Temporary signage should be installed where necessary and in compliance with the latest California Manual on Uniform Traffic Control Devices (MUTCD) and in coordination with Metro Art and Design Standards.
- Emergency exits shall be provided and be clear of obstructions at all times.
- Access shall be maintained for utilities such as fire hydrants, stand pipes/connections, and fire alarm boxes as well as Metro-specific infrastructure such as fan and vent shafts.



Sidewalk access is blocked for a construction project, forcing pedestrians into the street or to use less direct paths to the Metro facility.



3.8 Impacts to Bus Routes & Stops

During construction, bus stop zones and routes may need to be temporarily relocated. Metro needs to be informed of activities that require stop relocation or route adjustments in order to ensure uninterrupted service.

RECOMMENDATION: During construction, maintain or relocate existing bus stops consistent with the needs of Metro Bus Operations. Design of temporary and permanent bus stops and surrounding sidewalk areas must be compliant with the ADA and allow passengers with disabilities a clear path of travel to the transit service. Existing bus stops must be maintained as part of the final project. Metro Bus Operations Control Special Events Department and Metro Stops & Zones Department should be contacted at least 30 days before initiating construction activities.



Temporary and permanent relocation of bus stops and layover zones will require coordination between developers, Metro, and other municipal bus operators and local jurisdictions.

Construction Safety & Management

3.9 Utility Coordination

Construction has the potential to interrupt utilities that Metro relies on for safe operations and maintenance. Utilities of concern to Metro include, but are not limited to, condenser water piping, potable/fire water, storm and sanitary sewer lines, and electrical/telecommunication services.

RECOMMENDATION: Coordinate with Metro Real Estate during project design to gauge temporary and permanent utility impacts and avoid conflicts during construction.

The contractor shall protect existing above-ground and underground Metro utilities during construction and coordinate with Metro to receive written approval for any utilities pertinent to Metro facilities that may be used, interrupted, or disturbed.

When electrical power outages or support functions are required, approval must be obtained through Metro Track Allocation in coordination with Metro Real Estate for a Right of Entry Permit.

To begin coordination with Metro Real Estate, visit www.metro.net/devreview and select the drop-down “Utility Project Coordination.”



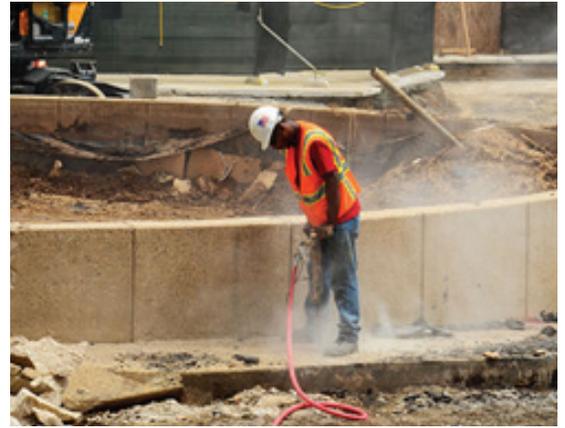
Coordination of underground utilities is critical to safely and efficiently operate Metro service.



3.10 Air Quality & Ventilation Protection

Hot or foul air, fumes, smoke, steam, and dust from adjacent construction activities can negatively impact Metro facilities, service, and users.

RECOMMENDATION: Ensure that hot or foul air, fumes, smoke, and steam from adjacent facilities are discharged beyond 40 feet from existing Metro facilities, including but not limited to ventilation system intake shafts and station entrances. Should fumes be discharged within 40 feet of Metro intake shafts, a protection panel around each shaft shall be required.



A worker breaks up concrete creating a cloud of silica dust.

Glossary

Cone of Visibility

A conical space at the front of moving transit vehicles allowing for clear visibility of travel way and/or conflicts.

Construction Work Plan (CWP)

Project management document outlining the definition of work tasks, choice of technology, estimation of required resources and duration of individual tasks, and identification of interactions among the different work tasks.

Flagger/Flagman

Person who controls traffic on and through a construction project. Flaggers must be trained and certified by Metro Rail Operations prior to any work commencing in or adjacent to Metro ROW.

Geotechnical Foul Zone

Area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast.

Guideway

A channel, track, or structure along which a transit vehicle moves.

Heavy Rail Transit (HRT)

Metro HRT systems include exclusive ROW (mostly subway) trains up to six (6) cars long (450') and utilize a contact rail for traction power distribution (e.g. Metro Red Line).

Joint Development (JD)

JD is the asset management and real estate development program through which Metro collaborates with developers to build housing, retail, and other amenities on Metro properties near transit, typically through ground lease. JD projects directly link transit riders with destinations and services throughout LA County.

Light Rail Transit (LRT)

Metro LRT systems include exclusive, semi-exclusive, or street ROW trains up to three (3) cars long (270') and utilize OCS for traction power distribution (e.g. Metro Blue Line).

Measure R

Half-cent sales tax for LA County approved in November 2008 to finance new transportation projects and programs. The tax expires in 2039.

Measure M

Half-cent sales tax for LA County approved in November 2016 to fund transportation improvements, operations and programs, and accelerate projects already in the pipeline. The tax will increase to one percent in 2039 when Measure R expires.

Metrolink

A commuter rail system with seven lines throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties governed by the Southern California Regional Rail Authority (SCRRA).

Metro Adjacent Construction Design Manual

Volume III of the Metro Design Criteria & Standards, which outlines the Metro adjacent review procedure as well as operational requirements when constructing over, under, or adjacent to Metro facilities, structures, and property.

Metro Bus

Metro "Local" and "Rapid" bus service runs within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes.

Metro Bus Rapid Transit (BRT)

High quality bus service that provides faster and convenient service through the use of dedicated ROW, branded vehicles and stations, high frequency and intelligent transportation systems, all-door boarding, and intersection crossing priority. Metro BRT may run within dedicated ROW or in mixed flow traffic on streets.

Metro Design Criteria and Standards

A compilation of documents that govern how Metro transit service and facilities are designed, constructed, operated, and maintained.

Metro Rail

Urban rail system serving LA County consisting of six lines, including two subway lines and four light rail lines.

Metro Rail Design Criteria (MRDC)

Volume IV of the Metro Design Criteria & Standards which establishes design criteria for preliminary engineering and final design of a Metro Rail Project.

Metro Transit Oriented Communities

Land use planning and community development program that seeks to maximize access to transportation as a key organizing principle and promote equity and sustainable living by offering a mix of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements, and first/last mile facilities that support ridership and reduce auto dependency.

Noise Easement Deed

Easement granted by property owners abutting Metro ROW acknowledging noise due to transit operations and maintenance.

Overhead Catenary System (OCS)

One or more electrified wires situated over a transit ROW that transmit power to light rail trains via pantograph, a current collector mounted on the roof of an electric vehicle. Metro OCS is supported by hollow poles placed between tracks or on the outer edge of parallel tracks.

Right of Entry Permit

Written approval granted by Metro Real Estate to enter Metro ROW and property.

Right of Way (ROW)

Legal right over property reserved for transportation purposes to construct, protect, maintain and operate transit services.

Southern California Regional Rail Authority (SCRRA)

A joint powers authority made up of an 11-member board representing the transportation commissions of Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. SCRRA governs and operates Metrolink service.

Threat Assessment and Blast/Explosion Study

Analysis performed when adjacent developments are proposed within twenty (20) feet from an existing Metro tunnel or facility.

Track Allocation/Work Permit

Permit granted by Metro Rail Operations Control to allocate a section of track and perform work on or adjacent to Metro Rail ROW. This permit should be submitted for any work that could potentially foul the envelope of a train.

Wayfinding

Signs, maps, and other graphic or audible methods used to convey location and directions to travelers.

metro.net/projects/devreview/

