



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: January 6, 2021

TO: Hearing Officer

SUBJECT: Modification to Conditional Use Permit #6222

LOCATION: 3420 and 3500 North Arroyo Blvd
(Arroyo Seco Canyon Project, Areas 2 and 3)

APPLICANT: City of Pasadena
Department of Water and Power

ZONING DESIGNATION: OS (Open Space) and PD-16 Jet Propulsion Laboratory
(Employee Parking)

GENERAL PLAN DESIGNATION: Open Space

CASE PLANNER: Beilin Yu

STAFF RECOMMENDATION: Adopt a Resolution certifying the Final Environmental Impact Report (SCH #2014101022) adopting findings, adopting the Mitigation Monitoring and Reporting Program (Attachment C); adopt a Resolution adopting a Statement of Overriding Considerations for the project (Attachment D); and adopt the Specific Findings in Attachment A to **approve** Modification to Conditional Use Permit #6222 with the conditions in Attachment B.

PROJECT PROPOSAL:

Modification to Conditional Use Permit #6222: To allow the repair and replacement of City's water infrastructure facilities within the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements would allow for increased utilization of the City's pre-1914 surface water rights from the Arroyo Seco. A Conditional Use Permit is required for improvements within the Open Space (OS) Zoning District.

ENVIRONMENTAL DETERMINATION:

The Hearing Officer will consider whether to certify a Final Environmental Impact Report (FEIR) and adopt CEQA Findings and a Mitigation Monitoring and Reporting Program for the proposed project, and whether to adopt a Statement of Overriding Considerations. The FEIR identified potentially significant effects related to the following topics: Biological Resources, Cultural and Tribal Cultural Resources, Hazards and Hazardous Materials, Noise, Recreation, and Transportation. With incorporation of mitigation measures, the FEIR determined that all potentially significant effects would be reduced to a less-than-significant level, with the exception of impacts related to Cultural Resources, which would remain significant and unavoidable after mitigation.

Hazardous Material: The Project site is not listed on any hazardous materials or waste databases pursuant to Section 65962.5 of the Government Code

BACKGROUND:

Site characteristics:

The Project site is located within the Arroyo Seco Watershed, which is a subwatershed of the larger Los Angeles River Watershed. The Arroyo Seco is a perennial creek, which means there is generally flowing water year-round, but the flow is below the surface (underground) in some locations. Creek flows that originate in the San Gabriel Mountains continue to flow south through the cities of Pasadena, South Pasadena and Los Angeles, before joining the Los Angeles River just east of Elysian Park and west of the Interstate (I) 5/I-110 Interchange. Within the City of Pasadena, the Arroyo Seco passes through three distinct recreational areas: (1) Upper Arroyo Seco, containing Hahamongna Watershed Park and Devil's Gate Dam; (2) Central Arroyo Seco, containing the Brookside Golf Course and Rose Bowl; and (3) Lower Arroyo Seco, containing an archery range, casting pond, and Memorial Grove. The Project proposes new facilities and improvements in the Upper Arroyo Seco (in the City of Pasadena on land owned by the City) and sewer line connection to the JPL campus in the City of La Cañada Flintridge through the JPL Bridge. The Project Site can be accessed via I-210 at the Windsor Avenue exit and traveling northward for approximately 0.8 mile to its intersection with Ventura Street. From this intersection, the JPL East Parking Lot is located approximately 0.27 mile north along Explorer Road, which can be accessed by non-motorized travel.

Adjacent Uses:

North: San Gabriel Mountains
South: Open Space
East: Residential
West: Residential

Adjacent Zoning:

North: OS (Open Space)
South: OS (Open Space)
East: County of Los Angeles (Altadena)
West: City of La Canada Flintridge

Previous cases on this property:

CUP #6222 – To allow the repair and replacement of facilities within the Arroyo Seco Canyon Area that were damaged or destroyed by Station Fire-related events of 2009. The proposed improvements would allow for, among other things, increased utilization of surface water rights held by the City. A Conditional Use Permit is required for improvements within the OS Zoning District. Approved by City Council on June 1, 2015.

Mod to CUP #6222 – To remove the following components from the CUP #6222 approval: the construction and operation of any improvement in the dam, weir, intake facility and water collection area upstream from the dam/weir at Area 2, and expansion of 4 existing and construction of 2 new spreading basins in Area 3 that would increase percolation capacity. Approved by City Council on July 24, 2017.

BACKGROUND

Conditional Use Permit #6222 was reviewed and approved by the Hearing Officer on January 7, 2015. The Conditional Use Permit was a request to allow the applicant, City of Pasadena Water and Power Department (PWP), to perform repair and replacement of facilities within the Arroyo Seco Canyon Area that were damaged or destroyed by Station Fire-related events of 2009.

Conditional Use Permit #6222 consisted of three primary areas: Area 1, known as the Arroyo Seco Headworks; Area 2, known as the Arroyo Seco Intake; and Area 3, the JPL East Parking Lot. These areas are connected together by the Gabrielino Trail, which serves as a recreational trail and the access road for City of Pasadena and United States Forest Service (USFS) vehicles heading into the Arroyo Seco Canyon.

Area 1 includes the existing Headworks structure across the stream, an approximate 1,000-foot portion of the Arroyo Seco streambed and associated sedimentation basins, naturally vegetated areas, and the Gabrielino Trail. The improvements in Area 1 included the removal of the exposed portions of the Headworks structure, and the rehabilitation of an approximate six-acre area of the Arroyo Seco floodplain that was significantly impacted by flooding in 2010. In addition, the original project included stream restoration involving native plant re-vegetation and removal of invasive species on approximately 1,000 feet of the stream; construction of a rock bank revetment; bank stabilization; creation of planting islands; and installation of woody debris clusters. Lastly, a new trail was also proposed across the Arroyo Seco from the lower portion of Area 1.

In Area 2, the primary structures include a diversion structure and intake structure, an equipment building, the Gabrielino Trail, and a historic bridge (Bridge No. 3) over the Arroyo Seco. As part of the original project, the proposed improvements in Area 2 included the replacement of the diversion weir and intake structures and reconstruction of the access road (bridge). An equipment building located north of the intake structure that was damaged by the 2010 winter storms was also proposed to be replaced.

Area 3 includes the JPL East Parking Lot, adjacent City-owned spreading basins, and the access bridge that connects the Parking Lot to the JPL Campus to the west. Improvements proposed in Area 3 included a reconfiguration of the JPL parking lot to provide a public recreational parking lot, enlarging existing spreading basins, and adding new sedimentation basin. Additionally, an

access road, a potential future pedestrian pathway, a guard station near the JPL Bridge access point, and a public restroom were proposed.

A Conditional Use Permit was required because improvements were proposed within the OS Zoning District. An Initial Environmental Study and Mitigated Negative Declaration prepared for the project by BonTerra Psomas in compliance with the California Environmental Quality Act (CEQA) was adopted by the Hearing Officer in conjunction with the approval of the Conditional Use Permit.

The Hearing Officer's decision was appealed to the Board of Zoning Appeals, which held a de novo hearing on March 4, 2015. At the conclusion of the public hearing, the Board of zoning Appeals upheld the Hearing Officer's decision, and adopted the Initial Environmental Study and Mitigated Negative Declaration, and approved Conditional Use Permit.

The Board of Zoning Appeals' decision was appealed to the City Council, and the City Council held a de novo hearing on June 1, 2015. At the conclusion of the public hearing, the City Council upheld the Board of Zoning Appeals' decision, and adopted the Initial Environmental Study and Mitigated Negative Declaration, and approved Conditional Use Permit #6222.

On July 2, 2015, petitioners Spirit of the Sage Council and Project Solution filed a lawsuit against the City seeking to invalidate the City's approval of the Initial Study/Mitigated Negative Declaration (IS/MND). On March 23, 2017, the Los Angeles Superior Court issued a ruling that was partly unfavorable to the City. On June 26, 2017, the Court issue a Writ of Mandate ordering the City to invalidate approval of the Conditional Use Permit and MND with the exception of those specific project elements the Court found severable under Public Resources Code Section 21168.9(b).

The Court found that the elements of the Arroyo Seco Canyon Project related to increased diversions of surface water (i.e., greater taking of stream water from the Arroyo Seco beyond its current withdrawal) required evaluation through the preparation of an Environmental Impact Report (EIR). The Court also ruled that the elements of the project that did not relate to increased diversions were severable from the remainder of the project and the Arroyo Seco Canyon Project IS/MND, therefore these components were to remain intact, allowing them to move forward without any additional environmental review pursuant to CEQA.

To comply with the Writ of Mandate, on July 24, 2017, the City Council reviewed and approved a Modification to CUP #6222, rescinding and setting aside the part of the project that would allow for increase capacity to take water from the Arroyo. Specifically the dam, weir, intake facility and water collections upstream from the dam/weir at Area 2, and select spreading basin work in Area 3, which would have increase percolation capacity were rescinded from the CUP #6222 approval.

These elements of the project are only allowed to proceed after the City has prepared and certified an Environmental impact Report (EIR) that analyzes the potential significant effects of such facilities and related potential for increase water diversion from the Arroyo Seco on biological resources from the diversion point downstream.

An EIR has been prepared by the City for the elements of the project described above, in accordance with the terms and provisions of the Judgment and Peremptory Writ of Mandate, the City's Declaration in Support of the Judgment, the Statement of Decision on Petition for Writ of Mandate, and the Settlement Agreement.

PROJECT DESCRIPTION:

The applicant, City of Pasadena Water and Power Department (PWP), submitted a Modification to Conditional Use Permit #6222 request to allow the elements of the project that were set aside with the approval of the first Modification to CUP #6222 by the City Council in July 2017 to proceed.

Because several components of the Arroyo Seco Canyon Project were allowed to proceed without any additional environmental review beyond the adopted IS/MND pursuant to CEQA, the project boundaries of Area 2 and Area 3 proposed with this Modification have been refined from the original Conditional Use Permit #6222 to reflect the activities subject to review under the EIR.

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

The proposed project's Area 2 is located approximately 0.4 miles upstream along the Arroyo Seco from the JPL Bridge. Project features cover approximately 0.5 acres of the area. The primary features and structures in Area 2 includes an existing concrete diversion weir and intake structure, the Gabrielino Trail/Access Road, and the Arroyo Seco.

In Area 2, the proposed project includes the demolition of the existing diversion and intake structures and construction of a new diversion weir and intake in the same location within the Arroyo Seco as the current facility. The proposed diversion control structure would span the width of the existing channel and a weir crest gate would be mechanically operated. During high flow conditions, the weir would be lowered to move sediment downstream and periodically restore the streambed elevation to the crest of the notch. The new intake would be equipped with a trash rack and fish screens to prevent future fish from entering the conveyance system to the spreading basins in Area 3.

The proposed project would also be protective of the potential for future fish populations in the Arroyo Seco with the inclusion of a roughened channel downstream of the diversion structure that would allow return passage upstream when the weir crest gate is lowered.

Area 3 is located off of Explorer Road in the formerly paved JPL East Parking Lot and existing City infiltration basins. The Project covers approximately 9 acres including approximately 3 acres of additional spreading area. After NASA's completion of a new parking structure on the JPL campus in 2016, they vacated the former parking lot, and removed the paving for the specific purpose of accommodating Pasadena Department of Water and Power's planned expansion of the spreading basins. The former JPL parking lot is currently unpaved, with the exception of the temporary alignment of Explorer Road.

In Area 3, the proposed project includes the reconfiguration and expansion of the spreading basins in order to accommodate the increased diversion of stream flows for infiltration into the Raymond Basin. Existing Ponds 1 and 2, and Basins 1 and 2, would be replaced with Basin A and six new/expanded spreading basins. The new basins would remain connected to the remaining existing downstream basins within the City's spreading basin system. With implementation of the proposed project, the City would be able to divert an average of

approximately 3,080 acre-feet per year (acre-ft/yr), resulting in an average of approximately 1,035 acre-ft/yr of additional diverted flows into the spreading basins. Long-term operations in Areas 2 and 3 would not be substantively different than the current conditions. No new employees or operations would be required to continue maintenance on the proposed facilities.

Any improvements within the OS Zoning District are subject to the review and approval of a Conditional Use Permit.

ANALYSIS:

Conditional Use Permit – To allow infrastructure improvements in the OS Zoning District

The Conditional Use Permit process allows the City to review the project to determine if the proposed improvements will be compatible with the surrounding uses and require that the proposal adhere to specific conditions related to construction, operation, appearance, etc. In order to approve the Conditional Use Permit, six specific findings (Attachment A) must be made in the affirmative. These findings relate to the project meeting the intent and purpose of its Zoning District and the Zoning Code. Per Section 17.64.050.A.4, before approval of a modification, the applicable review authority shall make the required findings for the original approval, and an additional finding that there are changed circumstances sufficient to justify the modification of the original approval.

The City of Pasadena owns the right to divert up to 25 cubic feet per second (cfs) of surface water from the Arroyo Seco for direct use or to spread for percolation in spreading basins for groundwater pumping credits from the Raymond Basin. Of the total amount of water that is infiltrated into the groundwater through its existing spreading basins, Pasadena Department of Water and Power has the right to pump between 60% to 80% of that amount for beneficial use in the City's water supply. The proposed project more fully capture the City's allocation of up to 25 cfs to augment local groundwater supplies.

According to PWP, the current spreading basins reach an equilibrium during recharge events of 18 cfs, meaning that sustained diversions equaling 18 cfs would fill the basins to capacity, with water percolating at generally the same rate as entering the basins; however, higher flows beyond 18 cfs would not be able to be infiltrated due to capacity constraints. Dividing this 18 cfs recharge capacity by the surface area of the existing spreading basins (approximately 13 acres), the basins exhibit an average percolation rate of 2.72 feet per day (ft/d), or 1.4 cfs/acre.

Improvements in the intake structure, however, would allow for diversion of PWP's right to 25 cfs during high flows, which would be an improvement upon the current structure that requires high flows to bypass the diversion/intake structure because of the previous damage to the facility and the inability to remove sediment and debris prior to entering the spreading basins. The proposed Project's Area 3 configuration includes a maintainable sedimentation basin (Basin A) located prior to the entry of flows into the spreading basins. This improvement upon the current design would substantively reduce sediments in the spreading basins that settle on the ground surface of the basin and decrease infiltration rates.

The improvements proposed with the project would allow for increased utilization of the City's surface water rights from the Arroyo Seco and maximize the beneficial uses of this important local water resource. The proposed project would implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving

biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake would include a fish screening feature to prevent fish populations from passing into the intake and conveyance system, and a roughened channel would be constructed directly downstream of the new weir to allow for future fish passage upstream during moderate flow periods.

Section 15124 of the State CEQA Guidelines requires the Project Description of an EIR to include a statement of the objectives sought by the proposed project, which is intended to help the Lead Agency to develop a reasonable range of alternatives to evaluate in the EIR and the preparation of Findings of Fact and a Statement of Overriding Considerations, if necessary. The statement of objectives may include the project benefits. The objectives that have been established for the proposed project in the EIR are:

1. Fully divert and utilize the City's 25 cubic feet per second surface water rights while operating in a manner objectively consistent with the Raymond Basin Agreement and the 1984 Judgment.
2. Increase the capacity and functionality of the spreading basins to increase PWP's ability to recharge the groundwater basin, as envisioned by the 2011 Water Integrated Resources Plan with its recommendation to maximize the value of the groundwater basin and non-potable supplies.
3. Provide opportunities for increased aquatic biological functions within the Arroyo Seco by: (1) protecting fish and eliminating the unimpeded passage of stream flows that could carry aquatic animals into the conveyance system, and (2) reducing existing impediments to fish passage at the diversion weir structure.
4. Increase PWP's ability to rely upon local water for its potable water supply to reduce reliance upon imported water supplies from the Metropolitan Water District of Southern California (MWD).

TREE PROTECTION ORDINANCE:

The City's Tree Protection Ordinance (Section 8.52 of the City's Municipal Code) provides for the preservation of mature trees and has a list of protected tree species. "Public tree" means a tree located in a place or area under ownership or control of the city including but without limitation streets, parkways, open space, parkland and including city owned property under the operational control of another entity by virtue of a lease, license, operating or other agreement. Since the project areas are located within the OS Zoning District, any trees located within these areas is considered a public tree. Any request to remove a public and/or street tree must be reviewed by the Urban Forestry Division in the Public Works Department.

As part of the original Conditional Use Permit #6222, a total of 17 protected trees were proposed and approved to be removed. With the revision to the project, currently 19 protected trees are proposed to be removed with the project. Specifically, all 19 trees are located in Area 2, and of these trees, only two trees are the same trees that were previously approved to be removed.

PWP is currently working with the Urban Forestry Division in the Public Works Department for the removal of these protected trees.

GENERAL PLAN CONSISTENCY:

The City's General Plan Open Space and Conservation Element sets forth objectives related to the use of water resources in the City (City of Pasadena 2012). The proposed project supports these objectives, as follows:

- Increase the efficiency of water use among Pasadena residents, and commercial and industrial organizations.

The proposed project would facilitate the efficient use of water in the Arroyo Seco by allowing for the full utilization of the City's surface water rights and reducing reliance upon imported water supplies from the Metropolitan Water District of Southern California (MWD). PWP has a longstanding right to divert up to 25 cfs from this source. MWD imports water from the Sacramento-San Joaquin Delta via the State Water Project, and from the Colorado River. In recent years, MWD has imposed allocation limits on its water supply deliveries to its member agencies, and the future reliability of imported water will continue to face uncertainties from climate change, environmental regulations, and droughts. Another important issue associated with imported water is cost, which has increased substantially in the past few years (City of Pasadena 2012). Achieving water supply reliability will depend on a number of key water policy and management decisions on a regional and local level, including implementation of projects such as the proposed Arroyo Seco Canyon Project Areas 2 and 3.

- Protect local water supply sources and plant trees and vegetation that are consistent with habitat and water conservation policies.

The proposed project would facilitate the protection of local water supply sources by improving the ability of the diversion weir and intake structure to capture water during high-flow storm events. It has been PWP's practice in the past (more so after floods following the Station Fire damaged the upstream settling basins) to bypass water from high-flow storm events when the water is sediment-laden and turbid in order to protect the existing infrastructure from damage. The proposed project would include improvements to the diversion weir and intake structure to better accommodate turbid waters in high-flow events, as well as improvements to the capacity of the spreading basins, both of which would facilitate increased availability and use of local water supply sources.

- Improve surface permeability and recharge aquifers/enhance storm water quality to prevent pollution/trash from entering Los Angeles and San Gabriel Rivers and ocean.

The proposed project would improve the functionality and efficiency of the facilities responsible for the diversion and infiltration of water into the Raymond Basin. PWP has in the past forfeited available water due to the lack of spreading capacity within the spreading basins. The increased capacity and efficiency of the spreading basin improvements in Area 3 (which includes a new sedimentation basin for sediment to settle out before water is directed to the spreading basins) would maximize capacity and infiltration rates, thereby improving the recharge of groundwater supplies.

Furthermore, the project is consistent with the following General Plan Land Use Element Policies:

- Policy 2.14 – Natural Areas: maintain existing and acquire additional natural areas to protect watersheds, natural resources, and afford recreational opportunities for Pasadena's residents;

- Policy 10.9 – Natural Open Space: protect natural open spaces, hillsides, watersheds, and critical habitats to safeguard the health, safety, and beauty of the City for the benefit of present and future generation; and
- Policy 10.18 – Water Quality: encourage the use of natural processes to capture, treat, and infiltrate urban runoff throughout the watershed.

The proposed project would repair and replace the City’s water infrastructure facilities in the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City’s capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements would allow for increased utilization of the City’s pre-1914 surface water rights from the Arroyo Seco and maximize the beneficial use of this important local water resource. As discussed in the report, the proposed project would implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco.

The spreading basin designs in Area 3 would incorporate a network of local trails for recreation use, and these recreational amenities would be further improved through selective planting around the basins. The proposed basin layout and landscaping would enhance the proposed trail network for pedestrians and equestrian usage with incorporation of benches, interpretive signage, and shade structures adjacent to the spreading basins along the proposed pedestrian trails/maintenance roads.

ENVIRONMENTAL REVIEW:

In accordance with the requirements of the California Environmental Quality Act, an Environmental Impact Report (EIR) was prepared in order to identify and analyze the project’s potential impacts on the environment.

The Draft EIR was made available for public review and comment from June 15, 2020 through July 31, 2020 for a total of 46 days for public review.

The Final EIR consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Revised Draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the Revised Draft EIR.
4. The responses of the lead agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the lead agency.

The responses to comments include copies of all the letters received during the Draft EIR public review period, as described further below, as well as responses to all comments received. In addition to these responses to comments, the Final EIR contains clarifications, corrections of minor revisions to the text, tables, figures, and/or appendices of the Draft EIR.

The FEIR identified potentially significant effects related to the following topics: Biological Resources, Cultural and Tribal Cultural Resources, Hazards and Hazardous Materials, Noise, Recreation, and Transportation. With incorporation of mitigation measures, the FEIR determined that all potentially significant effects would be reduced to a less-than-significant level, with the exception of impacts related to Cultural Resources, which would remain significant and unavoidable after mitigation. Therefore, a Statement of Overriding Consideration is required for approval of the proposed project.

Cultural Resources – Significant and Unavoidable

A structural evaluation of Bridge No. 3 was conducted in 2018, subsequent to the placement of the temporary structural bridge overlay, which determined that the condition of Bridge No. 3 continues to deteriorate and is no longer safe for use (TJC 2018). Upon completion of the proposed Project, the City intends to keep the Bridge No. 3 overlay structures as-is, with the understanding that the reconstruction/replacement of Bridge No. 3 will eventually be required if the City wishes to maintain the bridge. The temporary structural bridge overlay allows for the safe passage of vehicles and pedestrians along the Gabrielino Trail/Access Road and to the USFS facilities and allows access to large vehicles, including fire trucks, that were previously restricted due to the loading limitations of the original bridge even before it was damaged. Since the temporary structure is constructed of steel elements and concrete, and will experience relatively light traffic, its expected service life is estimated to exceed 50 years. There may be safety risks associated with the continued deterioration of Bridge No. 3 if structural members fail and fall, and therefore the City may need to remove dangerous elements to protect public safety. Because there are no plans for the future reconstruction/replacement of the Bridge No. 3 at the time of the preparation of this Draft EIR, it is anticipated that the existing bridge may continue to deteriorate, and although not anticipated at this point, may even be removed to protect public safety.

Mitigation Measure

MM-CUL-2: Prior to construction completion, the City shall ensure preparation of Historic American Engineering Record (HAER) documentation for Bridge No. 3 in accordance with the Secretary of the Interior's Standards for Architectural and Engineering Documentation. Documentation shall be completed by a qualified historic preservation professional who meets the Secretary of the Interior's Professional Qualifications Standards for architectural history. The documentation shall capture the physical description of the existing bridge with: 1) existing as-builts/drawings (where/if available); 2) a written narrative that includes a detailed history and architectural description of the bridge and a discussion of its historical significance; 3) photographs of the bridge with large format negatives to demonstrate its current condition; and 4) provide other photographs of the bridge prior to installation of the current overlay. Upon approval of the final HAER package, the City shall offer one original copy of the final HAER package to the City of Pasadena Historic Preservation Program, the South Central Coastal Information Center at California State University, Fullerton, and the Angeles National Forest Administrative Office.

Prior to project construction completion, the City shall conduct a review of the bridge overlay design on Bridge No. 3 and construction materials used in the bridge overlay to determine improvements that can be made to conform with the City's Arroyo Seco Design Guidelines. Examples of potential improvements include, but are not limited to, evaluation of appropriate paint colors that reflect the natural character of the Arroyo Seco, and replacement of components with more

natural materials (e.g. wood, concrete, brick, arroyo stone piers, unpainted weathering steel or other natural materials, such as copper and wrought iron). The proposed design improvements shall be submitted to the City of Pasadena Department of Planning – Historic Preservation for review and approval.

The above mitigation measures are feasible and will reduce the proposed Project's impacts to cultural resources. However, there are no feasible mitigation measures that would reduce impacts to Bridge No. 3 to a level below significant. Therefore, these impacts must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified cultural (historic) impacts are thereby acceptable because of specific overriding considerations.

The structural overlay bridge installed in 2017 that spans the entire length of Bridge No. 3 is not in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties in consideration of its proposed permanency. As a potentially permanent design feature, the continued presence of the overlay structure on Bridge No. 3 is considered a significant impact to historical resources, as the overlay detracts from nearly all of its important character-defining features and introduces incompatible, highly visible, modern materials. It is anticipated that Bridge No. 3 will continue to deteriorate, and as a result, PWP will need to remove dangerous elements of the bridge (damaged joists, for example) and even partially or fully demolish the bridge to protect public safety as it continues to deteriorate. MM-CUL-2, which requires preparation of Historic American Engineering Record (HAER) documentation for Bridge No. 3 in accordance with the Secretary of the Interior's Standards, and sharing documentation with the City of Pasadena, the SCCIC, and the Angeles National Forest, as well as implementing adjustments to bring the bridge overlay components into compliance with the Arroyo Seco Design Guidelines, to the extent feasible. Implementation of MM-CUL-2 would lessen impacts but would not reduce impacts to Bridge No. 3 below a level of significance. Therefore, impacts to cultural resources under CEQA are considered significant and unavoidable, even with implementation of MM-CUL-2. (Draft EIR, p. 4.3-33 through 4.3-34)

Overriding Considerations of the Project

The Overriding Considerations include, but are not limited to:

- Replacement of 90-year old facilities that were damaged during storms following the 2009 Station Fire with the construction of a new diversion and intake structure that will provide increased capacity to divert Arroyo Seco flows from the larger storm events, consistent with the City's water rights. By capturing a greater proportion of the larger stream flows and diverting these to spreading basins, more water is retained in the Hahamongna Watershed and infiltrated to the underlying Raymond Basin, and less water is lost to outflows from Los Angeles County Devil's Gate Dam.
- Construction of an additional 3 acres of spreading basins that will allow for the projected increase in diversions to percolate into the Raymond Basin which serves as underground reservoir for the City's local water supplies.

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

Alternatives

The Final EIR includes an evaluation of three alternatives, as summarized below:

- Alternative A – No Project/No Action

Under Alternative A, the proposed Project would not be implemented. The Areas 2 and 3 of the Project site would remain unchanged, and no development activity would occur. Operations and maintenance activities would continue to occur into the future, as in the current condition.

Alternative A would result in reduced environmental impacts to almost all environmental topics in the short-term because construction activity would not occur. Alternative A would also result in reductions to impacts associated with long-term Hydrology. However, Alternative A does not meet the Project objectives, including increasing groundwater recharge and enhancing local water supplies for more reliable water service, and would not avoid or reduce the Project's significant impact on historical resources. Additionally, the proposed Project would result in benefits to the topics of Biological Resources and Greenhouse Gas Emissions that would not occur under Alternative A, such that maintaining the current condition would be more impactful to the environment in the long-term to these two topics.

For CEQA purposes, this alternative is rejected because it would not meet any of the project objectives and it could potentially result in significant and unavoidable impacts to historical resources.

- Alternative B – Redesigned Spreading Basins in Area 3

Under Alternative B, all activities proposed within Area 2 would continue to be implemented, as set forth in the proposed Project. The alternative design of Area 3 would mimic the primary design objectives and operational characteristics of the Project, including: use of a settling basin to

facilitate removal of debris and sediment from water prior to conveyance to the spreading basins, use of a concrete flume to meter flow into the infiltration basins, and use of stepped basins with gravity flow interconnection pipes. This alternative would relocate some of the parking stalls from the future recreational parking lot located just south of the JPL Bridge to the eastern edge of Area 3 near the Explorer Well site to provide for the altered configuration of the spreading basin design. The relocated parking stalls would be intermittent angled along the Explorer Road.

The objective of Alternative B would be to provide an improved design with more appeal for recreational users by eliminating the rectangular shapes of the existing condition, as well as the proposed Project design, through use of curvilinear basin features that more closely resemble natural channel and stream functions. The recreational amenities would be further improved through the use of native, drought-tolerant landscape plantings around the basins. The Alternative B basin layout and landscaping would have the added benefit of enhancing the proposed trail network for pedestrians and equestrian usage, with incorporation of educational kiosks, benches, interpretive signage, and shade structures adjacent to the spreading basins along the proposed pedestrian trails/maintenance roads. Alternative B would replace the enclosed concrete sedimentation basin (Basin A) with an open settlement pond. Alternative B would also include a slight realignment of Explorer Road to reflect the more curvilinear contours of the spreading basins and to allow for the future Explorer Well site to be east of the recreational trail amenities. Relocating the well site to the east would make it less prominent when viewing the area from the Gabrielino Trail above.

Alternative B would result in similar short-term construction-related impacts when compared to the proposed Project for all environmental topics with the exception of a temporary increase in water supply for landscaping irrigation. For long-term operational impacts, all environmental factors would have similar impacts under Alternative B to the proposed Project. However, Alternative B would result in benefits to the environment that would not occur under the proposed Project. Alternative B would develop curvilinear grading contours at the spreading basins to facilitate a more naturalized appearance consistent with a park setting, improved recreational amenities, such as connective trails and interpretive signage, and natural native landscaping to enhance the recreational experience.

Alternative B would not increase any new long-term environmental impacts and would increase long-term benefits to Biological Resources and Recreation. However, Alternative B would not eliminate the significant unavoidable impact to cultural resources.

For CEQA purposes this alternative cannot be rejected because Alternative B would meet all of the project objectives, and impacts would be the same as those anticipated from the proposed Project with the exception of short-term impacts related to utilities and service systems. Alternative B would not eliminate the significant unavoidable impact to cultural resources, which would be same determination as the proposed Project. As such, Alternative B would be feasible to implement. The City has determined Alternative B to be the preferred alternative, and the features included in Alternative B are part of the proposed project as analyzed under the Modification to Conditional Use Permit #6222.

- Alternative C – Historic Bridge Rehabilitation

Under Alternative C, all activities proposed within Areas 2 and 3 would continue to be implemented, as set forth in the proposed Project. Alternative C also includes the implementation of the recommendations of the Arroyo Seco Bridge (B3) Assessment Deterioration Comparison prepared by TJC Associates Inc. in 2018 (TJC 2018) as they relate to the reconstruction or

replacement of primary structural features on historic Bridge No. 3, which is located within the Project's study area along the Gabrielino Trail/Access Road. The location of Bridge No. 3 is identified on Figure 2-4A within Section 2, Environmental Setting, of the Draft EIR. Alternative C would remove the bridge overlay deck on historic Bridge No. 3 and repair or replace the structural elements of the bridge in accordance with the U.S. Department of the Interior Standards for the Treatment of Historic Properties.

All of the primary structural elements of the bridge--specifically, the joists below the bridge deck, the heavy timber support element at mid-span, the A-frame trusses on the east and west sides of the bridge, and the steel elements of the bridge--are deteriorated and subject to fail, and would be replaced under Alternative C. The heavy timber midspan member that is the primary structural element of the bridge appears to have significant bearing failure under the supported members. If the mid-span support continues to deteriorate and fail, catastrophic failure of the bridge will occur; therefore, replacement of the heavy timber mid-span support beam(s) would be a priority. Replacement of the center support member would require temporary supports to be placed in the Arroyo Seco to relieve the load on the beam while the deteriorated beam was replaced. Additionally, portions or all of the joists would be removed.

Alternative C would result in slightly increased short-term construction impacts to most environmental topics. For long-term impacts, Alternative C would not provide the protections related to wildfire preparedness as it pertains to the City's ability to accommodate firefighting equipment into and out of the Arroyo Seco Canyon and the Angeles National Forest and would result in increased long-term wildfire risks when compared to the proposed Project. However, this Alternative would eliminate the significant unavoidable impact related to historic resources and would be considered to be the environmentally superior alternative to the proposed Project.

For CEQA purposes this alternative cannot be rejected because it would meet all of the project objectives and it would result in slightly greater impacts to air quality, biological resources, cultural resources, hydrology and water quality, noise, recreation, transportation, tribal cultural resources, and wildfire. Alternative C would eliminate the significant and unavoidable impact anticipated under the proposed Project. As such, Alternative C would be feasible to implement.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Public Works Department, Building and Safety Division, Water Engineering from the Water and Power Department, and Design and Historic Preservation (DHP) Section. Conditions from the Department of Public Works are incorporated in Attachment B of this report.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Modification to Conditional Use Permit to allow the repair and replacement of City's water infrastructure facilities within the Upper Arroyo Seco can be made.

The Conditional Use Permit process is intended to allow for activities and uses which may be desirable in an applicable zoning district and compatible with adjoining land uses, but whose effect on a site and its surroundings have to be analyzed prior to allowing such use. In this case, the Arroyo Seco area is native to this area of Pasadena. The proposed improvements will allow the restoration of the Canyon Area that was damaged following the fire-related events of 2009. In addition, the proposed project will allow the City to fully utilize its pre-1914 water rights. As such,

staff determined the proposed improvements merit an approval in the affirmative since the proposed work is consistent with the current operation of the Arroyo Canyon Area.

Therefore, staff recommends that the Hearing Officer adopt a Resolution certifying the Final Environmental Impact Report (SCH #2014101022) adopting findings, adopting the Mitigation Monitoring and Reporting Program (Attachment C); adopt a Resolution adopting a Statement of Overriding Considerations for the project (Attachment D); and approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

ATTACHMENTS:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

Attachment C: Resolution Certifying the FEIR, Adopting Environmental Findings of Fact and a Mitigation Monitoring And Reporting Program

Attachment D: Resolution Adopting A Statement of Overriding Considerations

Attachment E: Mitigation Monitoring and Reporting Program

Attachment F: Final Environmental Impact Report

ATTACHMENT A
SPECIFIC FINDINGS FOR MODIFICATION TO CONDITIONAL USE PERMIT #6222

Conditional Use Permit: To Allow Infrastructure Improvements within OS Zoning District

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed improvements are permitted subject to the review and approval of a conditional use permit. The improvements proposed with the project will allow for increased utilization of the City's surface water rights from the Arroyo Seco and maximize the beneficial uses of this important local water resource. The proposed project will implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake will include a fish screening feature to prevent fish populations from passing into the intake and conveyance system, and a roughened channel will be constructed directly downstream of the new weir to allow for future fish passage upstream during moderate flow periods. To ensure the project does not negatively impact the surrounding areas, conditions have been recommended through mitigation measures, as well as conditions of the conditional use permit approval.

2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is located within the Open Space (OS) zoning district and has been utilized for open space use. The purpose of the project is to repair as well as enhance existing amenities within the Arroyo Seco Canyon Area. The proposed conditional use permit will allow for the necessary repairs of the existing Water Division facilities, while expanding open space opportunities for members of the public. As such, the location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.

3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The City's General Plan Open Space and Conservation Element sets forth objectives related to the use of water resources in the City (City of Pasadena 2012). The proposed project supports these objectives, as follows:

- Increase the efficiency of water use among Pasadena residents, and commercial and industrial organizations.
-

The proposed project will facilitate the efficient use of water in the Arroyo Seco by allowing for the full utilization of the City's surface water rights and reducing reliance upon imported water supplies from the Metropolitan Water District of Southern California (MWD). PWP has a longstanding right to divert up to 25 cfs from this source. MWD imports water from the Sacramento-San Joaquin Delta via the State Water Project, and from the Colorado River. In recent years, MWD has imposed allocation limits on its water supply deliveries to its member agencies, and the future reliability of imported water will continue to face uncertainties from climate change, environmental regulations, and droughts. Another important issue associated with imported water is cost, which has increased substantially in the past few years (City of Pasadena 2012). Achieving water supply reliability will depend on a number of key water policy and management decisions on a regional and local level, including implementation of projects such as the proposed Arroyo Seco Canyon Project Areas 2 and 3.

- Protect local water supply sources and plant trees and vegetation that are consistent with habitat and water conservation policies.

The proposed project will facilitate the protection of local water supply sources by improving the ability of the diversion weir and intake structure to capture water during high-flow storm events. It has been PWP's practice in the past (more so after floods following the Station Fire damaged the upstream settling basins) to bypass water from high-flow storm events when the water is sediment-laden and turbid in order to protect the existing infrastructure from damage. The proposed project will include improvements to the diversion weir and intake structure to better accommodate turbid waters in high-flow events, as well as improvements to the capacity of the spreading basins, both of which will facilitate increased availability and use of local water supply sources.

- Improve surface permeability and recharge aquifers/enhance storm water quality to prevent pollution/trash from entering Los Angeles and San Gabriel Rivers and ocean.

The proposed project will improve the functionality and efficiency of the facilities responsible for the diversion and infiltration of water into the Raymond Basin. PWP has in the past forfeited available water due to the lack of spreading capacity within the spreading basins (Carollo Engineers 2013). The increased capacity and efficiency of the spreading basin improvements in Area 3 (which includes a new sedimentation basin for sediment to settle out before water is directed to the spreading basins) will maximize capacity and infiltration rates, thereby improving the recharge of groundwater supplies.

Furthermore, the project is consistent with the following General Plan Land Use Element Policies:

- Policy 2.14 – Natural Areas: maintain existing and acquire additional natural areas to protect watersheds, natural resources, and afford recreational opportunities for Pasadena's residents;
- Policy 10.9 – Natural Open Space: protect natural open spaces, hillsides, watersheds, and critical habitats to safeguard the health, safety, and beauty of the City for the benefit of present and future generation; and
- Policy 10.18 – Water Quality: encourage the use of natural processes to capture, treat, and infiltrate urban runoff throughout the watershed.

The proposed project will repair and replace the City's water infrastructure facilities in the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements will allow for increased utilization of the City's pre-1914 surface water rights from the Arroyo Seco and maximize the beneficial use of this important local water resource. The proposed project will implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco.

The spreading basin designs in Area 3 will incorporate a network of local trails for recreation use, and these recreational amenities will be further improved through selective planting around the basins. The proposed basin layout and landscaping will enhance the proposed

trail network for pedestrians and equestrian usage with incorporation of benches, interpretive signage, and shade structures adjacent to the spreading basins along the proposed pedestrian trails/maintenance roads.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The proposed improvements are intended to increase water quality and supply reliability, and to expand the potential for recreational activities within the Arroyo Seco Canyon Area. These improvements will adhere to all building code requirements, especially the requirements for accessibility. In addition, the proposal will also be required to meet the standards of all respective City departments prior to the issuance of any building permits. Furthermore, conditions of approval have been imposed to reduce any potential impacts resulting from the project.
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed improvements are not intended to be obtrusive to the surrounding areas. The project is intended to implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake will include a fish screening feature to prevent fish populations from passing into the intake and conveyance system, and a roughened channel will be constructed directly downstream of the new weir to allow for future fish passage upstream during moderate flow periods. These improvements will be required to adhere to all requirements, including, but not limited to compliance with the building code. The proposal will also be required to meet all conditions as imposed herein by all respective City departments, as well as state agencies prior to the issuance of building permits (ex. Building, Water, Zoning etc.).
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The proposed water facilities are repairs to existing facilities for the most part, and the new percolation ponds will be in close proximity to existing ponds and will replace a parking lot, thereby improving the aesthetic value of the area. The proposed recreational amenities proposed as part of the project will be of a size, style and scale that will be compatible to the natural surroundings. The physical features of the recreational amenities will not be a design feature of primary focus, but will allow the trees, vegetation, streambed, and mountainous terrain to take the spotlight.
7. *There are changed circumstances sufficient to justify the modification to the original approval.* The proposed project under this Modification request are the elements of the project that were set aside with the approval of the first Modification to CUP #6222 by the City Council in July 2017. An Environmental Impact Report, in accordance with the requirements of the California Environmental Quality Act, has been prepared for these components and activities. The FEIR identified potentially significant effects related to the following topics: Biological Resources, Cultural and Tribal Cultural Resources, Hazards and Hazardous Materials, Noise, Recreation, and Transportation. With incorporation of mitigation measures, the FEIR determined that all potentially significant effects will be reduced to a less-than-significant level, with the exception of impacts related to Cultural Resources, which will remain significant and unavoidable after mitigation.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MODIFICATION TO CONDITIONAL USE PERMIT #6222

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Approved at Hearing January 6, 2021", except as modified herein.
2. The approval of this application authorizes the improvements within the Arroyo Seco Area, which include those improvements identified in the plans stamped "Approved at Hearing January 6, 2021", including, but not limited to:
 - a) construction of a new diversion weir and intake in the same location as the existing structure,
 - b) construction of an engineered roughened channel in the section of stream directly downstream of the diversion structure,
 - c) replacement of existing Ponds 1 and 2, and Basins 1 and 2, with Basin A, and
 - d) construction of six new spreading basins.
3. In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use entitlement.
4. Pursuant to Chapter 17.61.040.J (Post-Approval Procedures) of the Zoning Code, the Zoning Administrator can call for a review of the approved conditions if it can be reasonably shown that there are grounds for revocation or modification of this Conditional Use Permit. These conditions may be modified or new conditions may be added to reduce any impacts of the use.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The applicant or successor in interest shall retain a Mitigation Monitoring Coordinator (Mitigation Coordinator) with experience on large construction projects to serve as a liaison to between the development/construction team and the City. The Mitigation Coordinator will monitor the implementation of the Mitigation Monitoring and Reporting Program as specified in the project Environmental Impact Report or Mitigated Negative Declaration, and prepare and submit written weekly reports to the Condition/Mitigation Monitoring Coordinator of the City of Pasadena. The format of the written reports is subject to approval by the Code Compliance Manager.

Planning Division

8. The applicant or successor in interest shall meet all of the mitigation measures of the Final Environmental Impact Report.

9. The project shall adhere to the City regulations governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise as specified in Chapter 9.36 of the Pasadena Municipal Code.

Public Works Department

10. Approval from the Urban Forestry Advisory Committee (UFAC) for the proposed tree removal/tree planting on this project. Please contact Michael King, Urban Forestry, at (626) 744-9846 or MKing@cityofpasadena.net , for more details.
11. In addition to the above condition, the requirements of the following ordinance may apply to the proposed project:

City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://www.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.

12. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.
13. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.

**ATTACHMENT C
RESOLUTION CERTIFYING THE FINAL EIR,
ADOPTING ENVIRONMENTAL FINDINGS OF FACT AND
A MITIGATION MONITORING AND REPORTING PROGRAM**

RESOLUTION NO. _____

**A RESOLUTION OF THE HEARING OFFICER OF THE CITY OF PASADENA
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO.
2014101022) FOR THE ARROYO SECO CANYON PROJECT AREAS 2 AND 3,
ADOPTING ENVIRONMENTAL FINDINGS AND A MITIGATION MONITORING AND
REPORTING PROGRAM**

WHEREAS, on January 6, 2021, the Hearing Officer held a duly noticed public hearing to consider the Arroyo Seco Canyon Project Areas 2 and 3, proposed to repair and replace the City's water infrastructure facilities in the Upper Arroyo Seco, and during the public hearing on the Project, the Hearing Officer received oral and written evidence concerning the environmental impacts of the Project. This evidence included the Final EIR, including the public comments about environmental impacts that were made on the Draft Environmental Impact Report prepared for the Project.

**NOW, THEREFORE, THE HEARING OFFICER OF THE CITY OF PASADENA
RESOLVES AS FOLLOWS:**

The Findings of Fact, including the Resolutions set forth therein, attached hereto are adopted.

Adopted at the _____ meeting of the Hearing Officer on the _____ day of _____, 2020 by the following vote:

Recording Secretary

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

ATTACHMENT D
RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

RESOLUTION NO. _____

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

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

WHEREAS, on January 6, 2021, the Hearing Officer held a duly noticed public hearing to consider the Arroyo Seco Canyon Project Areas 2 and 3, (Project or proposed Project) proposed to repair and replace the City's water infrastructure facilities in the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements would allow for increased utilization of the City's pre-1914 surface water rights from the Arroyo Seco and maximize the beneficial use of this important local water resource. The proposed Project includes improvements in two primary areas: Area 2, Diversion and Intake Replacement and Area 3, Spreading Basin Improvements. These areas are connected by the Gabrielino Trail/Access Road, which includes three bridge crossings over the Arroyo Seco in the vicinity of the Project site. The proposed Project involves construction activity and water infrastructure facility improvements in both areas, as well as construction truck traffic along portions of the Gabrielino Trail/Access Road.

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

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

pool, downstream streambed, and on the adjacent slopes on the downstream side of the diversion weir.

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

In Area 3, the proposed Project includes the reconfiguration and expansion of the spreading basins in order to accommodate the increased diversion of stream flows for infiltration into the Raymond Basin. Existing Ponds 1 and 2, and Basins 1 and 2, would be replaced with Basin A and six new/expanded spreading basins. Stream flows from the existing conveyance system would outlet to the new sedimentation basin (Basin A) or to new spreading Basin E located over the existing Pasadena Pond 1. Basin F would be adjacent to mature trees to be preserved and would be located at the site of the existing Pasadena Pond 2. Basins G, H, and I would be located at the site of the existing Basins 1 and 2 and a portion of the City's open area (i.e., formerly paved JPL East Parking Lot). Each new basin would have an access ramp for maintenance. The new basins would remain connected to the remaining existing downstream basins within the City's spreading basin system.

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

Long-term operations in Areas 2 and 3 would not be substantively different than the current conditions. No new employees or operations would be required to continue maintenance on the proposed facilities. At the hearing, the Hearing Officer also

considered the Final Environmental Impact Report (the "Final EIR") that was prepared for the Project and certified the Final EIR by adopting Resolution No. ____.

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

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

- Replacement of 90-year old facilities that were damaged during storms following the 2009 Station Fire with the construction of a new diversion and intake structure that will provide increased capacity to divert Arroyo Seco flows from the larger storm events, consistent with the City's water rights. By capturing a greater proportion of the larger stream flows and diverting these to spreading basins, more water is retained in the Hahamongna Watershed and infiltrated to the underlying Raymond Basin, and less water is lost to outflows from Los Angeles County's Devil's Gate Dam.
- Construction of an additional 3 acres of spreading basins that will allow for the projected increase in diversions to percolate into the Raymond Basin which serves as an underground reservoir for the City's local water supplies.
- Additional local water supply which increases reliability and system resiliency by reducing the City's dependency upon more expensive water imported from the environmentally-sensitive Sacramento/San Joaquin Delta and the Colorado River.
- An additional tool for managing and improving the reliability of the Raymond Basin in partnership with other Raymond Basin member agencies and the County of Los Angeles in conformance with standards and requirements of the regulating agencies.
- The inclusion of features in the diversion and intake structures that do not currently exist that will protect aquatic animals from passing into the conveyance system and that will allow for passage of any future fish.

- The addition of bio-retention basins that will protect the water quality of the Arroyo Seco by capturing and treating surface runoff prior to percolation into the groundwater table.
- A spreading basin design that emulates natural channels and stream functions for visual enhancement and that incorporates a network of local trails for recreational use.
- The conversion of a barren formerly paved parking lot into a multi-purpose water supply and recreation area that will include native landscaping for shade and habitat.

NOW THEREFORE, BE IT RESOLVED THAT, the Hearing Officer acknowledges the environmental impacts identified in the Final EIR and elsewhere in the record of proceedings, but finds that the benefits of the Project, as modified by Alternative B, outweigh the significant and unavoidable impacts identified in the Final EIR and the record of proceedings. In making this finding, the Hearing Officer has balanced the benefits of the Project, as modified by Alternative B, against its unavoidable impacts and indicates its willingness to accept those adverse impacts. The Hearing Officer finds that the benefits of the Project, as modified by Alternative B, set forth in Section 3 above, independent of any other benefits, warrant approval of the Project, as modified by Alternative B, notwithstanding the unavoidable environmental impacts of the Project.

Adopted at the _____ meeting of the Hearing Officer on the _____ day of _____, 2020.

Recording Secretary

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

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**ATTACHMENT E
MITIGATION MONITORING AND REPORTING PROGRAM**



Mitigation Monitoring and Reporting Program Arroyo Seco Canyon Project Areas 2 and 3

**Modification to Conditional Use Permit No. 6222
State Clearinghouse No. 2014101022**

Prepared for:

City of Pasadena Department of Water and Power
150 South Los Robles Avenue, Suite 200
Pasadena CA 91101

Prepared by:

DUDEK

38 North Marengo Avenue
Pasadena, California 91101

December 2020

Mitigation Monitoring and Reporting Program

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on a mitigated negative declaration or an environmental impact report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This mitigation monitoring and reporting program (MMRP) for the Arroyo Seco Canyon Project Areas 2 and 3 (proposed Project) has been prepared pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations, Chapter 3, Sections 15074 and 15097). This MMRP is intended to be used by City of Pasadena staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the Draft EIR prepared for the proposed Project. A master copy of this MMRP shall be kept in the office of the City of Pasadena Department of Water and Power and shall be available for viewing upon request.

The Draft EIR for the proposed Project presents a detailed set of mitigation measures required for implementation. As noted above, the intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP includes all mitigation measures identified in the Draft EIR and, for each measure, the party responsible for implementation and implementation timing (see Table 1).

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<i>Mitigation Measures Identified in the Environmental Impact Report</i>		
<i>Biological Resources</i>		
<p>MM-BIO-1: Prior to commencement of any earthmoving activities or the pre-construction staging of equipment on the Project site, the City shall develop a Preconstruction Survey and Relocation Plan for terrestrial reptiles, including the California newt, two-striped gartersnake, Southern California legless lizard, and coastal whiptail. Although considered to be extinct, Pasadena shrimp (<i>Syncares pasadenae</i>) will be added to the Plan as a focal species. The Preconstruction Survey and Relocation Plan shall be submitted to the California Department of Fish and Wildlife (CDFW) for review prior to any ground-disturbing activities within potentially occupied habitat.</p> <p>The Plan shall include at a minimum, the following: (1) protocols for pre-construction surveys to flush out and/or move identified special status wildlife within the study area, as feasible; (2) the timing, frequency, and locations where surveys should be conducted; (3) the habitat and conditions in the proposed relocation site(s); (4) the methods that would be used for trapping and relocating identified species; (5) protocols for documentation/recordation of the species and number of animals relocated; and (6) protocols for notifying CDFW in the event that identified species cannot be relocated.</p> <p>The Plan shall require that a Biological Monitor be present during all vegetation clearing and ground disturbance activities within Area 2, as well as three times weekly until construction activities are completed. For Area 3, a Biological Monitor will be present during initial vegetation clearing and initial ground disturbance activities. The Biological Monitor shall be familiar with southwestern willow flycatcher and least Bell's vireo and shall conduct pre-clearing non-protocol surveys for this species while onsite. If a least Bell's vireo or other State of federally listed species is detected, work activity within 500 feet of the detected occupied habitat will be temporarily halted and the City will consult with the appropriate wildlife agencies. With authorization from these agencies, which may include a 'take' permit, the project will proceed in accordance with conditions developed in the consultation. Conditions will include avoidance and minimization measures to prevent or minimize impacts on the listed species(s) occurring on or adjacent to the site.</p> <p>The Plan shall require that any individual special-status terrestrial wildlife species observed within the study area during the pre-construction survey(s) shall be flushed out and/or</p>	<p>(1) City of Pasadena/PWP shall ensure the development of a Preconstruction Survey and Relocation Plan</p> <p>(2) Subsequently, City of Pasadena/PWP shall ensure the final documentation of any wildlife relocated during Project activities is provided to CDFW for confirmation that construction activities were executed in compliance with the Preconstruction Survey and Relocation Plan</p>	<p>(1) Prior to commencement of any earthmoving activities or the pre-construction staging of equipment on the Project site</p> <p>(2) Upon completion of final documentation of compliance with the Preconstruction Survey and Relocation Plan</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>moved out of harm’s way to avoid direct impacts to these species, and if special-status species are detected, the Biological Monitor shall capture and relocate individuals to nearby undisturbed areas with suitable habitat outside of the construction area, but as close to their origin as possible. The final recordation/documentation of any wildlife relocated during Project activities shall be made available to CDFW for confirmation that construction activities were executed in compliance with the approved Preconstruction Survey and Relocation Plan.</p>		
<p>MM-BIO-2: Project construction shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods approved by the California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. To the maximum extent feasible, vegetation removal shall occur during the non-breeding season for nesting birds (generally late September to early March) and nesting raptors (generally early July to late January) to avoid impacts to nesting birds and raptors. If the Project requires that work be initiated during the breeding season for nesting birds (March 1–September 30) and nesting raptors (February 1–June 30), in order to avoid direct impacts on active nests, a pre-construction survey shall be conducted by a qualified Biologist for nesting birds and/or raptors within 3 days prior to clearing of any vegetation and/or any work near existing structures (i.e., within 300 feet for nesting birds, 500 feet for southwestern willow flycatcher and least Bell’s vireo, and within 500 feet for nesting raptors). If the Biologist does not find any active nests within or immediately adjacent to the impact areas, the vegetation clearing/construction work shall be allowed to proceed.</p> <p>If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a buffer around any occupied nest (the buffer shall be 100–300 feet for nesting birds, 500 feet for southwestern willow flycatcher and least Bell’s vireo, and 300–500 feet for nesting raptors), unless otherwise determined by a qualified Biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified Biologist. Encroachment into the buffer area around a known nest shall only be allowed if</p>	<p>City of Pasadena/PWP shall ensure that a qualified Biologist conducts surveys in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code</p>	<p>Nesting bird pre-construction survey shall be conducted by a qualified Biologist for nesting birds and/or raptors within 3 days prior to clearing of any vegetation and/or any work near existing structures</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>the Biologist determines that the proposed activity would not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest or the nest has failed.</p>		
<p>MM-BIO-3: A CDFW-approved bat biologist shall conduct a pre-construction bat habitat assessment within the Project and within a 500-foot buffer. The assessment will consist of a daytime roost assessment to identify any sign indicating presence (i.e. guano, staining, etc.), acoustic monitoring for nighttime bat emergence and foraging activity, and visual emergence observations. Potential for roosting shall be categorized by 1) potential for solitary roost sites, 2) potential for colonial roost sites (10 bats or more). If the potential for colonial roosting is determined, those trees shall not be removed during the bat maternity roost season (March 1 – July 31). Trees potentially supporting colonial roosts outside of maternity roost season, and trees potentially supporting solitary roosts may be removed via a two-step removal process, whereby some level of disturbance (such as trimming of lower branches) (at the direction of Biological Monitor) is applied to the tree on day one to allow bats to escape during the darker hours, and the roost tree shall be removed two days later (i.e., there shall be no less or more than two nights between initial disturbance and the grading or tree removal). When feasible, trees will be dropped slowly and a Biological Monitor will monitor the activity. If buildings are determined to be occupied, one-way exclusionary devices will be placed over bat access points and left in place for two nights prior to building removal.</p>	<p>City of Pasadena/PWP shall ensure that a qualified bat biologist conducts a bat habitat assessment within the Project and within a 500-foot buffer</p>	<p>Within 3 days prior to clearing of any vegetation and/or any work near existing structures.</p>
<p>MM-BIO-4: Direct impacts to sensitive vegetation communities (white alder–California sycamore woodland association and California sycamore woodlands alliance) shall be mitigated through a combination of on-site and/or off-site measures. Mitigation for impacts to sensitive vegetation communities shall consider and overlap with compensation for jurisdictional waters (MM-BIO-6) since the sensitive vegetation is associated with the jurisdictional limits of Arroyo Seco. Mitigation for direct impacts to sensitive vegetation communities shall be implemented through on-site creation/enhancement, program funding, mitigation bank credits, and/or creation/enhancement of native vegetation communities on City lands. Mitigation acreages shall be implemented as shown in the Table below.</p>	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure that a qualified biologist prepares a Habitat Mitigation and Monitoring Plan (2) City of Pasadena/PWP shall ensure that the HMMP is submitted to CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies. 	<ul style="list-style-type: none"> (1) Prior to the issuance of a ground disturbing activities or the pre-construction staging of equipment on the Project site (2) Prior to the issuance of a ground disturbing activities or the pre-construction staging of equipment on the Project site

Mitigation Measure	Party Responsible for Implementation	Implementation Timing																
<table border="1" data-bbox="170 315 1066 506"> <thead> <tr> <th>Sensitive Vegetation Community</th> <th>Direct Impacts (acres)</th> <th>Mitigation Ratio</th> <th>Mitigation (acres)</th> </tr> </thead> <tbody> <tr> <td>white alder-California sycamore woodland association</td> <td>0.47</td> <td>3:1</td> <td>1.41</td> </tr> <tr> <td>California sycamore woodlands alliance</td> <td>0.04</td> <td>3:1</td> <td>0.12</td> </tr> <tr> <td>Totals:</td> <td>0.51</td> <td>—</td> <td>1.53</td> </tr> </tbody> </table> <p data-bbox="107 545 1134 919">On-site Mitigation. White alder-California sycamore woodland association and California sycamore woodlands alliance could be established within Area 1 (previously approved components of the Arroyo Seco Canyon Project), and California sycamore woodlands alliance could be established in the upland portions surrounding the spreading basins in Area 3. Prior to the issuance of a grading permit or any earthwork on the Project site, PWP shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for habitat enhancement and creation activities. The HMMP shall at a minimum include a feasible implementation structure, salvage/seeding details, invasive species eradication methods, irrigation system and schedule, a monitoring schedule, performance standard of success, estimated costs, the implementation of a restrictive covenant on the land, long-term management of the habitat, and identification of responsible entities. The HMMP shall include restoration of the following habitats:</p> <p data-bbox="107 961 1134 1240">Riparian Woodlands. Impacted areas of (white alder-California sycamore woodland association and California sycamore woodlands alliance) shall be created/restored within and adjacent to the same on-site areas that the woodland currently existed prior to Project implementation, as well as other areas deemed to have appropriate soils and topography for successful establishment. Understory areas shall be revegetated with a diversity of locally collected seeds. Temporary irrigation shall be established and maintained, with irrigation suspensions in times of rainfall. Successful establishment of the woodland shall be determined only after removal of irrigation system and confirmed ability of the woodland to survive in the absence of irrigation.</p> <p data-bbox="107 1282 1134 1403">It is anticipated that a one-time restoration effort followed by monitoring and invasive weed removal for a minimum of five (5) years would be required. The HMMP shall be submitted by the City to CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies.</p>	Sensitive Vegetation Community	Direct Impacts (acres)	Mitigation Ratio	Mitigation (acres)	white alder-California sycamore woodland association	0.47	3:1	1.41	California sycamore woodlands alliance	0.04	3:1	0.12	Totals:	0.51	—	1.53		
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Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>Off-site Mitigation. If mitigation is implemented through mitigation program funding and/or mitigation bank credits, the City shall work with CDFW, USACE, and RWQCB to ensure the mitigation program funding and/or mitigation bank credits are appropriate to offset permanent impacts. If program funding is utilized, it would be accompanied by a specific work plan identifying habitat/jurisdictional resource acreage and/or functional gains. Mitigation lands shall be comprised of similar or higher quality riparian woodland and preferably located in the vicinity of the site or watershed. Off-site mitigation lands will be protected in perpetuity under a conservation easement, with a non-wasting endowment and manager/easement holder for long-term management.</p> <p>If mitigation is implemented through offsite enhancement of City-owned lands, the City shall prepare a HMMP that details the location and existing conditions of the offsite lands. The HMMP shall at a minimum include a feasible implementation structure, salvage/seeding details, invasive species eradication methods, irrigation system and schedule, a monitoring schedule, performance standard of success, estimated costs, the implementation of a restrictive covenant on the land, long-term management of the habitat, and identification of responsible entities. It is anticipated that a one-time restoration effort followed by monitoring and invasive weed removal for a minimum of five (5) years would be required. The HMMP shall be submitted by the City to CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies.</p>		
<p>MM-BIO-5: To prevent inadvertent disturbance to sensitive vegetation communities outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary high visibility construction fence) prior to ground disturbance activities. All construction activities including equipment staging and maintenance shall be conducted within the marked disturbance limits. A qualified biologist shall be present during initial ground-disturbing activities within the Project site to ensure that Project activities stay within the demarcated limits. The integrity of the demarcation limits will be in accordance with the monitoring required in MM-BIO-1.</p> <p>Additionally, all hollow posts and pipes associated with new facilities in Areas 2 and 3 shall be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site shall be plugged with bolts or other plugging materials to avoid impacts to raptor talons. Additionally, the City shall ensure the prohibition of the use of rodenticides throughout all construction activities.</p>	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure that a qualified biologist conducts flagging of disturbance limits (2) City of Pasadena/PWP shall ensure that a qualified biologist conducts the required monitoring 	<ul style="list-style-type: none"> (1) Prior to commencement of any ground disturbing activities or the pre-construction staging of equipment on the Project site (2) Ongoing during construction in compliance with Preconstruction Survey and Relocation Plan per MM-BIO-1

Mitigation Measure	Party Responsible for Implementation	Implementation Timing																				
<p>MM-BIO-6: Mitigation for direct impacts to jurisdictional waters shall be implemented through on-site enhancement of remaining jurisdictional waters and/or off-site acquisition, program funding, and/or mitigation bank credits. Mitigation ratios for each type of jurisdictional waters is shown in the Table below. Mitigation for temporary and permanent impacts to jurisdictional wetlands and waters shall consider and overlap with compensation for sensitive vegetation communities (MM-BIO-4).</p> <table border="1" data-bbox="165 508 1129 784"> <thead> <tr> <th>Jurisdictional Waters Type</th> <th>Direct Impacts (acres)</th> <th>Mitigation Ratio</th> <th>Mitigation (acres)^a</th> </tr> </thead> <tbody> <tr> <td>USACE waters of the United States</td> <td>0.20</td> <td>1:1</td> <td>0.20</td> </tr> <tr> <td>RWQCB waters of the state</td> <td>2.58</td> <td>1:1</td> <td>2.58</td> </tr> <tr> <td>CDFW streambed and bank, with riparian vegetation^b</td> <td>0.49</td> <td>3:1</td> <td>1.47</td> </tr> <tr> <td>CDFW streambed and bank, with non-riparian habitat^c</td> <td>2.41</td> <td>1:1</td> <td>2.41</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> a. Mitigation areas for each jurisdictional type may overlap b. white alder–California sycamore woodland (0.48 acres) and coast live oak woodland (<0.01 acres) c. California sagebrush–California buckwheat–laurel sumac scrub (<0.001 acres); urban/developed (0.03 acres); disturbed habitat (2.38 acres); laurel sumac scrub (<0.01 acres) <p>On-site Mitigation. Jurisdictional waters and associated vegetation could be established within Area 1 (previously approved components of the Arroyo Seco Canyon Project). Prior to the issuance of a grading permit or any earthwork on the Project site, PWP shall prepare a HMMP for habitat enhancement and creation activities. The HMMP shall at a minimum include a feasible implementation structure, salvage/seeding details, invasive species eradication methods, irrigation system and schedule, a monitoring schedule, performance standard of success, estimated costs, the implementation of a restrictive covenant on the land, long-term management of the habitat, and identification of responsible entities. The HMMP shall include restoration of the following habitats:</p> <p>Riparian Woodlands. Impacted areas of (white alder–California sycamore woodland association and coast live oak woodland) shall be created/restored within and adjacent to</p>	Jurisdictional Waters Type	Direct Impacts (acres)	Mitigation Ratio	Mitigation (acres) ^a	USACE waters of the United States	0.20	1:1	0.20	RWQCB waters of the state	2.58	1:1	2.58	CDFW streambed and bank, with riparian vegetation ^b	0.49	3:1	1.47	CDFW streambed and bank, with non-riparian habitat ^c	2.41	1:1	2.41	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure that a qualified biologist prepares a Habitat Mitigation and Monitoring Plan (2) City of Pasadena/PWP shall ensure that the HMMP is submitted to CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies. 	<ul style="list-style-type: none"> (1) Prior to the issuance of a ground disturbing activities or the pre-construction staging of equipment on the Project site (2) Prior to the issuance of a ground disturbing activities or the pre-construction staging of equipment on the Project site
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<p>the same on-site areas that the woodland currently existed prior to Project implementation, as well as other areas deemed to have appropriate soils and topography for successful establishment. Understory areas shall be revegetated with a diversity of locally collected seeds. Temporary irrigation shall be established and maintained, with irrigation suspensions in times of rainfall. Successful establishment of the woodland shall be determined only after removal of irrigation system and confirmed ability of the woodland to survive in the absence of irrigation.</p> <p>It is anticipated that a one-time restoration effort followed by monitoring and invasive weed removal for a minimum of five (5) years would be required. The HMMP shall be submitted by the City to the CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies.</p> <p>Off-site Mitigation. If mitigation is implemented through mitigation program funding and/or mitigation bank credits, the City shall work with the CDFW, USACE, and RWQCB to ensure the mitigation program funding and/or mitigation bank credits are appropriate to offset permanent impacts. If program funding is utilized, it would be accompanied by a specific work plan identifying habitat/jurisdictional resource acreage and/or functional gains. Mitigation lands shall be comprised of similar or higher quality riparian woodland and preferably located in the vicinity of the site or watershed. Off-site mitigation lands will be protected in perpetuity under a conservation easement, with a non-wasting endowment and manager/easement holder for long-term management.</p> <p>If mitigation is implemented through offsite enhancement of City-owned lands, the City shall prepare a HMMP that details the location and existing conditions of the offsite lands. The HMMP shall at a minimum include a feasible implementation structure, salvage/seeding details, invasive species eradication methods, irrigation system and schedule, a monitoring schedule, performance standard of success, estimated costs, the implementation of a restrictive covenant on the land, long-term management of the habitat, and identification of responsible entities. It is anticipated that a one-time restoration effort followed by monitoring and invasive weed removal for a minimum of five (5) years would be required. The HMMP shall be submitted by the City to the CDFW, USACE, and RWQCB for review and comment, and revised to the satisfaction of the City and the three agencies.</p>		
<p>MM-BIO-7: Prior to the commencement of earthmoving within Area 2 for the demolition of the existing diversion/weir structure, the City shall develop a Native Resident and</p>	<p>City of Pasadena/PWP shall ensure that a qualified biologist prepares a</p>	<p>Prior to the issuance of a ground disturbing activities or the pre-</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>Migratory Fish Monitoring Plan (Monitoring Plan), in consultation with CDFW. This Monitoring Plan shall set forth annual monitoring requirements to determine if native fish species or migratory fish populations are present within an approximate 3,500-foot section of the stream (about 1,500 feet upstream of the diversion/weir structure to the abandoned headworks (Area 1) and 2,000 feet downstream to the JPL Bridge at the mouth of the canyon). The Monitoring Plan will include the results of the baseline conditions for fish, which shall be conducted prior to commencement of earthwork in Area 2 within the 3,500 section of the stream using the survey methodology described in the 2010 California Salmonid Stream Habitat Restoration Manual (4th Edition). Annual survey protocols shall be established to the satisfaction of CDFW and set forth in the Monitoring Plan. If the results of the annual surveys reveal a positive presence of native fish, the Monitoring Plan shall set forth thresholds for determining the permanency of the population, and whether or not connectivity both upstream and downstream of the diversion structure is appropriate and in the best interest of the long-term survival of an established native or migratory fish population, given hazards associated with stranding downstream. Until passage for steelhead is restored to the Arroyo Seco, the City shall implement a program to rescue fish between the diversion structure and the JPL Bridge. If rescue is determined to be ineffective or impractical, then the City shall modify its operations to accommodate passage. At such time as steelhead passage is restored, the City shall alter either the design of the diversion/weir structure, the operational methods of the diversion/weir structure, or both to satisfy Fish and Game Code Sections 5901 and 5937.</p>	<p>Native Resident and Migratory Fish Monitoring Plan that sets forth survey protocols satisfaction of CDFW.</p>	<p>construction staging of equipment on the Project site</p>
<p>MM-BIO-8: A qualified biologist shall be present during initial ground-disturbing activities within the Project site to ensure that Project activities stay within the demarcated limits, as required in MM-BIO-5. This qualified biologist shall identify the number of City-protected trees that are removed as a result of Project construction activities, as well as trees that would be encroached upon. This inventory of trees shall be used to determine an appropriate tree replacement program that shall be, at a minimum, consistent with the administrative guideline tree replacement matrix of the City’s Tree Ordinance (Chapter 8.52 of the Pasadena Municipal Code), as it relates to tree replacement of protected trees.</p> <p>Trees within approximately 15 feet of proposed construction activity shall be temporarily fenced with chain-link fencing in accordance with the City’s Tree Ordinance and Tree Protection Guidelines. The fencing shall be installed to the extent of the tree’s dripline plus four (4) radial feet and be minimum six (6) feet high with an access gate of minimal width. The fenced area</p>	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure that a qualified biologist identifies City-protected trees (2) City of Pasadena/PWP shall ensure that a qualified biologist prepares tree mitigation per City’s Tree Ordinance 	<ul style="list-style-type: none"> (1) Upon completion of demarcation limits per MM-BIO-5 (2) Upon determination of the final number/type of impacted trees

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>shall be considered the Tree Protection Zone (TPZ) unless proximate construction required temporary removal.</p> <p>All trees that have been substantially root pruned (30% or more of their root zone) during construction within the TPZ shall be monitored by an International Society of Arboriculture Certified arborist for the first five years after construction completion. The arborist shall submit an annual report, photograph each tree and compare tree health and condition to the original, pre-construction baseline. For trees that do not survive the five-year monitoring period, such trees shall be replaced in accordance with the requirements of this measure.</p> <p>For all trees that are identified for removal resulting from the proposed Project, such trees shall be inspected by a qualified arborist for contagious tree diseases, including but not limited to Polyphagous Shot Hole Borer; thousand canker fungus, and goldspotted oak borer. If contagious tree diseases are identified, the trees shall be treated using the best available management practices relevant for each tree disease observed prior to transporting the trees offsite.</p>		
Cultural Resources and Tribal Cultural Resources		
<p>MM-CUL-1: Prior to the commencement of construction vehicle and truck traffic along the Gabrielino Trail/Access Road north of the JPL Bridge, the City shall ensure that Bridge No. 2 and all identified arroyo stone wall features along the affected portions of the Gabrielino Trail/Access Road are properly protected for the duration of construction activities. The City shall install temporary protective barriers in the form of concrete k-rails along the decorative railings of Bridge No. 2 on both sides of the road to protect the railings from further deterioration and damage from vehicles. The concrete k-rails shall be removed once the Project is completed leaving Bridge No. 2 intact. The concrete k-rails shall be installed parallel to the Bridge's existing baluster railings, with approximately 2 feet of separation between the k-rail and the resource. The k-rails shall be positioned to ensure that the Bridge railings are protected from daily construction traffic. The k-rails shall not be permanently attached to the bridge. All arroyo stone wall features adjacent to the Gabrielino Trail/Access Road shall be protected by concrete k-rails wherever feasible; however, in areas where k-rails would create an impassable or bottleneck situation for vehicles, the City shall utilize other reasonable protections, including cones and flagging, to ensure that the arroyo stone walls are not inadvertently damaged during construction vehicle movement and equipment transport. The plans for the temporary barriers shall be reviewed by a qualified architectural historian prior to</p>	<ol style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure that plans for temporary barriers to protect all historic features duration of construction activities are reviewed by a qualified architectural historian (2) City of Pasadena/PWP shall ensure completion of pre-construction surveys by a qualified historic preservation (3) City of Pasadena/PWP shall ensure completion of post-construction surveys by a qualified historic preservation 	<ol style="list-style-type: none"> (1) Prior to the commencement of construction vehicle and truck traffic along the Gabrielino Trail/Access Road north of the JPL Bridge (2) Prior to the commencement of construction vehicle and truck traffic along the Gabrielino Trail/Access Road north of the JPL Bridge (3) Upon completion of construction traffic along the Gabrielino Trail/Access

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>Project implementation. In order to ensure that the bridge and stone walls are adequately protected during Project activities, the City shall ensure completion of pre-construction and post-construction surveys by a qualified historic preservation consultant to ensure that adverse effects or significant impacts have not occurred to Bridge No. 2. If the pre-construction survey identifies deficiencies in the protections for Bridge No. 2 or the stone walls, recommendations for additional physical barriers or visual warnings shall be provided and implemented prior to initiation of construction activities. The installation/construction methodology and post-construction survey shall be submitted to the City of Pasadena Department of Planning – Historic Preservation for review and approval.</p>		<p>Road north of the JPL Bridge</p>
<p>MM-CUL-2: Prior to construction completion, the City shall ensure preparation of Historic American Engineering Record (HAER) documentation for Bridge No. 3 in accordance with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation. Documentation shall be completed by a qualified historic preservation professional who meets the Secretary of the Interior’s Professional Qualifications Standards for architectural history. The documentation shall capture the physical description of the existing bridge with: 1) existing as-builts/drawings (where/if available); 2) a written narrative that includes a detailed history and architectural description of the bridge and a discussion of its historical significance; 3) photographs of the bridge with large format negatives to demonstrate its current condition; and 4) provide other photographs of the bridge prior to installation of the current overlay. Upon approval of the final HAER package, the City shall offer one original copy of the final HAER package to the City of Pasadena Historic Preservation Program, the South Central Coastal Information Center at California State University, Fullerton, and the Angeles National Forest Administrative Office.</p> <p>Prior to project construction completion, the City shall conduct a review of the bridge overlay design on Bridge No. 3 and construction materials used in the bridge overlay to determine improvements that can be made to conform with the City’s Arroyo Seco Design Guidelines. Examples of potential improvements include, but are not limited to, evaluation of appropriate paint colors that reflect the natural character of the Arroyo Seco, and replacement of components with more natural materials (e.g. wood, concrete, brick, arroyo stone piers, unpainted weathering steel or other natural materials, such as copper and wrought iron). The proposed design improvements shall be submitted to the City of Pasadena Department of Planning – Historic Preservation for review and approval.</p>	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure completion of a Historic American Engineering Record (HAER) documentation for Bridge No. 3. (2) City of Pasadena/PWP shall ensure completion of a review of the bridge overlay design on Bridge No. 3 for compliance with the City’s Arroyo Seco Design Guidelines 	<ul style="list-style-type: none"> (1) Prior to the commencement of construction vehicle and truck traffic along the Gabriellino Trail/Access Road north of the JPL Bridge (2) Prior to the completion of construction activities in Area 2

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>MM-CUL-3: Prior to commencement of Project construction activities that would require equipment staging at the Behner Water Treatment Plant (WTP), the City shall ensure that the exterior of the WTP building is adequately protected from equipment and vehicle staging activities. The northwest and southwest exterior elevations of the WTP shall, at a minimum, be protected by construction fencing and signage to ensure that none of the major exterior character-defining features of the building are inadvertently damaged. Fencing shall be placed at a minimum distance of five (5) feet from the exterior of the building, and crews working in the immediate vicinity should be alerted to the presence of an historical resource and instructed to avoid it. The City shall ensure that Project-related equipment and materials are not in contact with the exterior or the building, including absolute avoidance of leaning materials and equipment against exterior walls. The temporary fencing, signage, and barriers shall be removed at the conclusion of construction activities.</p>	<p>City of Pasadena/PWP shall ensure installation of protective measures for building protection from equipment and vehicle staging activities</p>	<p>Prior to commencement of Project construction activities that would require equipment staging at the Behner Water Treatment Plant</p>
<p>MM-CUL-4: Prior to commencement of earthmoving activities, the City shall retain a qualified Archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for Archaeology. The Archaeologist shall be present at the pre-grade conference; shall establish procedures for archaeological resource surveillance; and shall establish, in cooperation with the Contractor, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate. At a minimum, in the event archaeological resources are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The Archaeologist shall first determine whether it is a “unique archaeological resource” pursuant to the California Environmental Quality Act (CEQA, i.e., 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 “unique archaeological resource” or a “historical resource”, the Archaeologist shall formulate a mitigation plan in consultation with the City of Pasadena that satisfies the requirements of the above-referenced sections. The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following guidelines of the California Office of Historic Preservation, and s/he shall record the site and submit the recordation form to the City of Pasadena and the California Historic Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. Work may proceed in other areas of the site, subject to the direction of the Archaeologist.</p>	<ul style="list-style-type: none"> (1) City of Pasadena/PWP shall ensure hiring of a qualified archaeologist for meeting attendance and preparation of a mitigation plan (2) If any archaeological finds are studied, the City of Pasadena/PWP shall ensure the qualified archaeologist prepares a testing or mitigation plan 	<ul style="list-style-type: none"> (1) Prior to the commencement of a ground disturbing activities or the pre-construction staging of equipment on the Project site (2) Upon discovery of any archaeological finds

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>MM-PALEO-1: Prior to commencement of any grading activity on-site, the City shall retain a qualified Paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the SVP 2010 guidelines. Minimum requirements to be set forth in the PRIMP include: (1) attendance at the preconstruction meeting and worker environmental awareness training, where monitoring is required within the proposed Project site based on construction plans and/or geotechnical reports; (2) procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods, including sediment sampling for microvertebrate fossils, reporting, and collections management; (3) mandatory monitoring on-site during all rough grading and other significant ground-disturbing activities, including augering in previously undisturbed, fine-grained Pleistocene alluvial deposits; (4) mandatory actions in the event that paleontological resources (e.g., fossils) are unearthed during grading, including the requirement for the paleontological monitor to temporarily halt and/or divert grading activity to allow recovery of paleontological resources, and roping/fencing off of the discovery with a 50-foot radius buffer; and (5) if resources are discovered, methods for coordination between the qualified paleontologist and the City for appropriate exploration and/or salvage, as well as final disposition of the resources in an accredited institution or museum, such as the Natural History Museum of Los Angeles County.</p>	<p>City of Pasadena/PWP shall ensure hiring of a qualified paleontologist to prepare a Paleontological Resources Impact Mitigation Program</p>	<p>Prior to the commencement of a ground disturbing activities</p>
Noise		
<p>MM-NOI-1: The City and/or their Construction Contractor shall implement the following noise reduction measures during all construction activities:</p> <ul style="list-style-type: none"> • Equip all construction equipment (fixed or mobile) with properly operating and maintained mufflers, consistent with or exceeding manufacturers’ standards. • Ensure that construction equipment engine enclosures and covers as provided by manufacturers shall be in place during operation. • Place all stationary construction equipment so that the equipment is as far as feasible from noise-sensitive receptors and so that the emitted noise is directed away from the noise-sensitive receptors. • Locate equipment and materials staging in areas that will create the greatest distance between staging area noise sources and noise-sensitive receptors during Project construction. 	<p>City of Pasadena/PWP shall ensure construction activities implement required noise reduction actions</p>	<p>During all demolition, earthwork and construction activities</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<ul style="list-style-type: none"> • Ensure that construction equipment is shut down when not in use. • Limit haul truck deliveries to the same hours specified for the operation of construction equipment. 		
Recreation		
<p>MM-REC-1: Prior to the closure of recreational trails for public use, the City of Pasadena shall post signs providing at least one week of advanced notice of the dates and times of planned trail closures at the following locations:</p> <ul style="list-style-type: none"> • Intersection of Ventura Street and Windsor Avenue • Sunset Overlook • Altadena Crest Trail (adjacent to the North Arroyo Boulevard) • Arroyo Seco Trail • West Rim Trail/East Rim Trail <p>In addition to the closure notice signage, the City shall provide the locations of nearby trails and recreational facilities in the surrounding area that would be open for public use at the times when the trails are closed. This information shall also be posted on the City's Parks, Recreation and Community Services website.</p>	City of Pasadena/PWP shall ensure implementation of required notifications	During all demolition, earthwork and construction activities
Transportation		
<p>MM-TRA-1: During the peak phase of construction activities (i.e. during the demolition phase requiring haul truck trips) in Area 3, all Construction Contractors shall schedule the arrival and departure of the sediment export haul trucks to be outside the AM peak hours of 7:30 AM to 8:30 AM and the PM peak hours of 4:30 PM to 5:30 PM.</p>	City of Pasadena/PWP shall ensure construction activities comply with haul truck schedule limits	During demolition phase in Area 3
<p>MM-TRA-2: During construction activities in Areas 2 and 3, use of the North Arroyo Boulevard or Gabrielino Trail/Access Road by hikers, bicyclists and equestrians shall be limited or prohibited when temporary partial or full closures of the Gabrielino Trail/ Access Road, Explorer Road, hiking trails or maintenance roads is necessary. In addition to the requirements for notification set forth in the City's Supplements and Modifications to the Greenbook, flagpersons and/or other safety procedures shall be used as necessary to ensure the safety of recreational users.</p>	City of Pasadena/PWP shall ensure notification of trail closure and safety procedures	During demolition, grading, and construction activities

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>MM-TRA-3: Prior to the start of construction, the City and/or their Construction Contractor shall provide written notice to the USFS and residences at the Ranger Station of the anticipated construction schedule, stating that access may be temporarily obstructed on an intermittent basis and providing a schedule of anticipated closures. In order to ensure that emergency vehicles would not be obstructed at any time, any temporary obstructions to the Gabrielino Trail/Access Road that could hinder emergency vehicular access shall be mobile and able to be removed from the roadway immediately upon notice from emergency responders.</p>	<p>City of Pasadena/PWP shall ensure notification of trail closure to USFS</p>	<p>Prior to commencement of construction activities, and ongoing, as needed</p>
<p>MM-CUML-1: The City and/or their Construction Contractor shall coordinate with the Los Angeles County Department of Public Works and/or their contractor for the sediment removal activities at Devil’s Gate Reservoir regarding the schedule of trucks to and from landfills that would require the use of Interstate 210 eastbound ramps/Arroyo Boulevard intersection. If it is determined that activities would overlap and Project traffic and cumulative traffic including the Devil’s Gate project traffic would have vehicle queues at Caltrans facilities that exceed available storage lengths, then the City and/or their contractor shall implement construction vehicle/hauling restrictions that disallow the proposed Project’s truck traffic during the AM and PM peak hours of 7:30 AM to 8:30 AM and 4:30 PM to 5:30 PM.</p>	<p>City of Pasadena/PWP shall ensure coordination with LACDPW</p>	<p>During demolition, grading, and construction activities</p>
<p>Tribal Cultural Resources</p>		
<p>MM-TCR-1: Prior to commencement of any ground-disturbing activities, the City of Pasadena shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill AB 52 (the “Tribe” or the “Consulting Tribe”). The Tribal monitor shall only be present on the Project site during the construction phases that involve ground-disturbing activities. Ground disturbing activities may include, but may not be limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the Project area. The Tribal Monitor shall complete daily monitoring logs that provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground disturbing activities at the Project site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the</p>	<p>(1) City of Pasadena/PWP shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation.</p> <p>(2) City of Pasadena/PWP shall ensure that the Native American Monitor observes ground disturbing activities</p>	<p>(1) Prior to commencement of ground disturbing activities and during any ground disturbing activities.</p> <p>(2) Only on the Project site during the construction phases that involve ground-disturbing activities</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified archaeologist (as required in MM-CUL-4) and the Tribal Monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes.</p>		
<p>MM-TCR-2: If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p>	<p>City of Pasadena/PWP shall ensure compliance with applicable protocols and notifications and prepare a treatment plan, as appropriate</p>	<p>Upon discovery of human remains and/or grave goods during construction activities</p>
<p>Mitigation Measures Revised and/or Carried Forward from 2015 IS/MND Mitigation Monitoring and Reporting Program</p>		
<p>MM HAZ-1 The City shall require Construction Contractors to implement the following measures:</p> <ul style="list-style-type: none"> • Trucks and equipment entering the site shall be inspected to be free from oil, gasoline, or other vehicle fluid leaks. 	<p>City of Pasadena/PWP</p>	<p>Periodically during construction (at least once per month)</p>

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<ul style="list-style-type: none"> Equipment fueling areas shall be located outside jurisdictional waters as identified by the USACE and CDFW. Hazardous materials shall not be stored within the 50-year floodplain for the Arroyo Seco. Instead, hazardous materials shall be stored within staging areas located away from the Arroyo Seco and shall be removed prior to the start of the storm season. All hazardous material spills and contaminated soils shall be excavated immediately upon discovery to minimize soil and water contamination and the potential of wildlife being poisoned or otherwise harmed. The Contractor shall maintain hazardous materials spill control, containment, and cleanup kits of adequate size and materials for potential accidental instream spills and releases. 		
<p>MM HAZ-2 Should discolored or odorous soils be encountered during grading and excavation activities in Area 3, the Contractor shall have a sample of the soils analyzed for the presence of contamination. If the results of the testing show that chemical levels are present below regulatory levels, grading and excavation activities may proceed accordingly. Otherwise, remediation and/or removal of the contaminated soils shall be completed prior to continued ground disturbance if chemical levels are above regulatory standards. Remediation and/or disposal shall be conducted with the oversight of applicable regulatory agencies such as the Los Angeles County Fire Department, the South Coast Air Quality Management District (SCAQMD), the California Department of Toxic Substances Control (DTSC), and/or the U.S. Environmental Protection Agency in compliance with established maximum contaminant levels (MCLs).</p>	City of Pasadena/PWP	During construction activities, if odorous or discolored soils are found
<p>MM HAZ-3 The Contractor shall schedule the access road reconstruction in Area 2 so as to shorten the necessary closures of the access road to the extent feasible. The Contractor shall also inform the Pasadena Department of Water and Power (PWP), the Pasadena Fire Department, the Pasadena Police Department, the Los Angeles County Fire Department, and the United States Forest Service (USFS) at least one week in advance of the start of construction of the times when work on the Gabrielino Trail/access road are planned. Any major changes to the schedule shall be forwarded to these agencies at least one week prior to trail closures.</p>	City of Pasadena/PWP and Parks and Natural Resources Division	At least one week prior to bridge and Gabrielino Trail/Access Road closure

Mitigation Measure	Party Responsible for Implementation	Implementation Timing
<p>MM HAZ-4 The Contractor shall not use, operate, or cause to be operated any internal combustion engine that uses hydrocarbon fuel, unless the engine is equipped with a spark arrestor and is maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.</p>	<p>City of Pasadena/PWP</p>	<p>Periodically during construction (at least once per month)</p>

**ATTACHMENT F
FINAL ENVIRONMENTAL IMPACT REPORT**

CAN BE VIEWED AT:

<https://www.cityofpasadena.net/planning/arroyo-seco-canyon-project-areas-2-and-3/>