



Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office
Phone: (310) 798-2400

San Diego Office
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 1

February 22, 2022

Srinivas Rao, Chair
and Members of the Pasadena Design Commission
via email c/o mtakeda@cityofpasadena.net

Subject: Agenda for February 22, 2022, Item 3A- Advisory Review of SCEA for
86 S. Fair Oaks Ave; Request for Completion of EIR

Dear Chair Rao and Commissioners:

On behalf of the Castle Green Homeowners Association, we object to approval of the Sustainable Communities Environmental Assessment (SCEA) as a basis for consideration of the Central Park Apartments project presented by Goldrich Kest (Project presentation or proposed Project). Instead, we request that you recommend completion of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). As the Commission with approval authority over the proposed project, you will be hearing about many of the project's environmental impacts from members of the Association and other concerned area residents. The appropriate way to consider and address these impacts is through an EIR rather than the proposed SCEA process, as explained below.

A. The Commission Reviewed the EIR for a Prior, Smaller Version of the Project Presentation and Found Environmental Review Insufficient.

As to the SCEA, this Commission reviewed the project presentation originally called the "Green Hotel Apartments" during the Draft Environmental Impact Report process that culminated in a June 2015 Final EIR (State Clearinghouse Number 2013031067.) At that time the Commission expressed many concerns that required — and continue to warrant — additional environmental analysis and resolution.

As was summarized in the Final EIR (which was not certified as accurate or complete) in SCEA Appendix I (3-126-130, 3-158), this Commission's comments that still await adequate analysis include:

Commissioner Barar: If you put this new building in its historic context, is the impact on the historic resource considered negligible? The building puts another shade on how view of the historic resources is taken. I suggest that all facades of Green Hotel be considered primary views.

Commissioner Byram: The new building will obscure and block views from Central Park. Need to study alternatives with varied footprint.

Commissioner Hansen: The visual simulations in the EIR show substantial changes in appearance. How did the EIR analysis conclude that there were no significant visual impacts? How closely do we need to study the compatibility of building appearances, relative to historic resources? The original (1903) development plan for the project site should be evaluated as a project alternative.

Commissioner Maitless: Was off-site parking considered for the project?

Commissioner Miller: Why was the segment of Fair Oaks Avenue between Dayton and Del Mar not studied? There is potential for real transportation impacts, especially the way the proposed project is designed. There may be potential for queuing. My suggestion is to have Dayton Street be a westbound one-way street.

Commissioner Moreno: The whole block is historic. Is there a requirement of building material for this certain building development? Is there an impact on historic resources relative to building materials? How does Draft EIR address issues on external materials or construction building type?

Commissioner Rawlings: I would like to see a review of the scenic views (*i.e.*, of the park) and evaluation of more alternatives. The spatial compatibility of size and mass, in general, suggests having more alternatives. Are there measures that could reduce the traffic impacts on Dayton Street, even if they don't completely eliminate the significant impact? Relative to the infeasibility of the alternatives, was a "pro forma" done on all the alternatives?

B. The Commission Should Require Preparation of an Adequate EIR.

City staff has encouraged the SCEA process, but following a SCEA process rather than completing the previously initiated EIR process is neither a required or an appropriate course. Public Resources Code section 21155.2 subdivision (c) that addresses SCEA procedures specifically provides that a "transit priority project ... may be reviewed by an [EIR]" that complies with various requirements. That is more than appropriate here. We ask the Commission to exercise its authority to direct the completion of the EIR process, and recommend completion of an EIR to the City Council, so that the important environmental concerns of the public and the Commissioners can be fully addressed.

C. The Project as Presented Would Have Unacceptable Impacts.

The applicant, Architectural Resources Group Inc. (ARG), proposes a 32,362-

square foot project. An inappropriate or incompatible project could have the effect of detracting not just on views to and from the National Register-designated Hotel Green Apartments and Castle Green, but could change the low-rise scale of the entire historic district. Any consideration of a project in this area must be undertaken with utmost sensitivity to the broad context of this historic property. Consideration should also encompass impacts on local traffic patterns that significantly affect the ambience of the district. Consideration of cumulative impacts, air quality and land use impacts, areas of controversy, and alternatives would be lost by relying upon the SCEA review process.

1. To Better Inform and Serve the Public, the City Should Rely On An EIR.

An EIR has already been prepared and circulated for a project proposed by Goldrich Kest in 2014 called the Green Hotel Apartments. It is within the Commission's discretion to direct that the EIR process continue — with appropriate updating and responses to comments. Otherwise, shifting to a SCEA document constrains City review by negating and omitting analyses of environmental impacts and alternatives. The proposed project would impact historic resources, traffic, and aesthetics and demands more careful consideration than is possible with the SCEA to avoid profound effects on the character of the entire City.

2. Historic Impacts could be Significant, requiring an EIR.

The project is proposed *on* a historically designated site. As has been pointed out to the City in correspondence from Kelly Sutherlin MacLeod, AIA, and Francesca Smith, an architectural historian, the boundaries of the historic Castle Green and Green Hotel are defined in the original National Register registration form. Those boundaries include the entire square block bounded by Raymond Avenue on the east, Green Street on the north, Fair Oaks Avenue on the west and Dayton Street on the south. The project as proposed could have the effect of detracting from views to and from the National Register designated Hotel Green Apartments and Castle Green and could change the ambience of the historic district that surrounds it. Any consideration of the project as proposed in this area must be undertaken with the utmost sensitivity to the context of the area and this historic property.

3. A Reasonable Range of Alternatives to the Proposed Project must be Included in an EIR.

Relying on a SCEA would deprive the Commission of an ability to examine alternative configurations and designs of the proposed project. In the previous EIR for the Green Hotel Apartments Project, only one alternative was deemed possible (EIR p. 1-5 [addressing Reduced Height Alternative]) — an inadequacy compounded by the SCEA.

CEQA's core statutory purpose is to *avoid* adverse impacts. There are many alternate uses for the project site that would not adversely affect historic resources. An EIR must analyze alternate locations that could accommodate the type of project the proponents plan without causing the same significant impacts.

In addition to off-site locations, alternate onsite designs that reduce significant impacts must also be considered, including two reduced-density alternatives. One such alternative could be the original third wing extension from Colonel Green's never built "1903 Concept." Sadly, the SCEA unjustly refers to this project as based on this concept, calling it "The 1903 Vision." Yet the proposed project is in complete contradiction to Colonel Green's intent and illustrations, and to Goldrich & Kest's own admitted attempt to illustrate the 1903 Concept in 2011 (Scheme C of three presented options.) (See 2015 FEIR, Attachment G, PDF page 38.)

If the Commission were to rely on the SCEA, CEQA's core requirement to analyze feasible, less environmentally damaging alternatives would be evaded.

As the SCEA at Appendix A, page 1, states: "Public Resources Code Section [21155.2] requires that a transit priority project incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable EIRs."

The SCEA asserts "The City has complied with PRC Section 21151.2 [sic] by reviewing all of the suggested mitigation measures in Connect SoCal (2020 – 2045 Regional Transportation Plan/Sustainable Communities Strategy) and the City of Pasadena General Plan EIR for imposition on the project." *This is incorrect.* The SCEA has not incorporated mitigation measures from the Draft EIR prepared for the Castle Green Apartments proposal. Alternatives are a form of mitigation measure: "The chief goal of CEQA is mitigation or avoidance of environmental harm. To argue that only mitigation measures need be discussed overlooks the fact that alternatives are a type of mitigation." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 403.)

The Green Hotel Apartments Final EIR dated June 2015 included a reduced density alternative called the "Smaller Scale Alternative" that would have reduced historic resource impacts. (FEIR, p. 3-25; p. 1-5 [addressing Reduced Height Alternative.]) This alternative must be analyzed.

4. All of the Project's Potentially Significant Environmental Effects must be Comprehensively Addressed in an EIR.

As the approval authority for the proposed project, the Commission must address the full range of impacts that the Project as proposed will have. A SCEA is not intended

to address all potential significant impacts of a proposed project. A SCEA is only intended to address certain specified impacts on the theory that transit-oriented development is to be encouraged despite impacts it may have.

An EIR must comprehensively identify and address all of the “significant environmental effects” of a proposed project. (Public Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2.) Both “[d]irect and indirect significant environmental effects” must be analyzed, “giving due consideration to both the short-term and long-term effects.” (CEQA Guidelines § 15126.2(a).) In addition to the aesthetic and historic impacts, it will be critical for an EIR to address impacts in the areas of biological resources, air quality and human health, traffic and access, and land use plans.

We and others have submitted comments on prior proposed versions of the current project, which had been undergoing environmental review that included preparation of a draft and final EIR.

a. Air Quality and Human Health Could Be Adversely Affected.

The SCEA states that 45,500 cubic yards of grading soil export and use of construction equipment is planned. (SCEA, p. 4.0-28.) The extent and nature of the construction activities will likely lead to extensive air quality impacts. With nearby sensitive receptors such as the Hotel Green Apartments, Castle Green, and the Children’s Park Playground in Central Park, avoiding or mitigating air pollution impacts to the fullest possible extent will be critical.

b. Land Use and Planning Impacts must be Addressed.

The Central District Specific Plan should guide development in this area. The SCEA dismisses the possibility of project conflicts with this plan in a one page conclusory discussion. (SCEA, p. 4.0-104.) The conclusion is not based upon sufficient examination of the Plan’s requirements.

The Central District Specific Plan requires that infill construction should be consistent with existing buildings (page 99); view corridors should be protected (page 132); and well-defined open space should be created (page 147). Other requirements apply as well. These and the Central District Specific Plan’s other requirements should be fully explained and applied to the project before the City considers consistency of the project with this fundamental plan.

Performance Standards and Criteria from Prior Applicable EIRs - lists the Connect SoCal 2020-2045 transportation strategy and the City of Pasadena General Plan EIR in the introductory paragraph. It does not list the previous 2014-15 project EIR as contributing to mitigation measures. Thus, the mitigations proposed in Appendix A do not rely on the previous uncertified EIR.

The sixty-eight SCEA mitigation measures largely depend on the Connect SoCal 2020-2045 strategy (including 45 measures or 66% of all included measures), far less than on the Pasadena General Plan/Central District/Old Pasadena Plan (23 measures, or 34% of all measures).

The SCEA could be in direct conflict with the Inclusionary Housing Ordinance Objective 7: "...infill... that respect existing resources will be encouraged."

The SCEA is also in direct conflict with the Central District Specific Plan objectives of Design Review in three steps if the Design Commission is not the lead decision-making body and final word. In a prior review process for the Green Hotel Apartments Project, City staff member Kevin Johnson stated at the April 8, 2013 scoping session that the Design Commission would be the ultimate decision making body.

c. Traffic and Safety Access Issues must be clearly addressed rather than Relegated to an Appendix in the SCEA.

The Project as proposed will severely impact Dayton Avenue, a small street that already strains under its traffic burden. (2015 Green Hotel Apartments Project Final EIR, p. 1-13 [stating "the increased traffic introduced along Dayton Street between Fair Oaks Avenue and Raymond Avenue would constitute a significant impact" for which there is "No feasible mitigation" so it is a "Significant and unavoidable" impact].) An EIR must thoroughly assess traffic impacts to this and other local roads around the Project site. Fire Department safety and access must be critical subjects of an EIR.

With our prior March 10, 2014 letter about the prior project proposal on the site, we submitted a traffic and impact analysis prepared by Tom Brohard. This analysis is incorporated by reference, since project impacts will be similar.

The SCEA has a section in the Transportation Appendix (Appendix G) that is called "Transportation Impact Analysis - Outside of CEQA Analysis" (dated 5/3/2019) (Appendix G *PDF pg. 511-527*) that uses updated data to analyze three street segments and four intersections. It *fails* to look at South Fair Oaks segment from Dayton to Delmar, and *fails* to look at *unsignalized* Dayton/Fair Oaks & Dayton/Raymond intersections - inadequacies pointed out in 2015 EIR documents. It also omits Fair Oaks Avenue segment from Dayton to Green street that *was* included in 2015 EIR, which

means SCEA omits meaningful Fair Oaks Avenue segment and daily trips analysis.

In the attachment, Table 5 and 6, page 10 (*PDF pg. 524*) of this section in the report states that the Dayton Street Roadway Segment again fails because the Vehicular Increase in ADT is 82.6%. 2019 figures show that *existing* daily trips have risen from 883 (2013) to 1,049 (2019), and this larger SCEA Project generates 866 new daily trips, causing the failure of the Dayton Street Segment.

The SCEA relies on 2013 and 2015 data from the uncertified 2015 EIR. The SCEA also has three traffic sections in the Appendix G (Transportation) that rely on possibly outdated bike and pedestrian issues, and the 2015 FEIR showed 64 units creating an additional 693 daily trips on Dayton segment, a 77% increase, while SCEA project volume shows net 866 new trips (SCEA Appendix G, p. 12), a 83% increase, after reducing Gross Total trips of 963 (92% increase) with transit credits, et cetera. Existing daily trips on Dayton were 883 in the 2015 EIR.

The ‘cumulative projects’ analysis that the SCEA omits from the main document (in the Outside CEQA portion of Appendix G in the SCEA) is using 2013 data, clearly not adequately reflective of anything relevant to today’s Pasadena.

The SCEA deprives the public of a proper understanding of the traffic impacts the proposed project would have. Instead of an SCEA, the City should update the EIR and subject it to proper public review and participation with comments and responses.

The SCEA allows Traffic and Transportation issues to be avoided when considering significant impacts. In order to qualify for an SCEA, the public agency must certify that there is sufficient infrastructure in an area. (Pub. Resources Code s. 21155.1 [requiring certification that “The transit priority project and other projects approved prior to the approval of the transit priority project ...can be adequately served by existing utilities.”]) Roadways are part of the existing public utility infrastructure that must support a project. Yet the SCEA refers to the 2015 FEIR that analyzes the 2015 Project:

- Contains less than 75% of the number of units of the 2021 SCEA Project.
- Contains less than 80% of the square footage of the 2021 SCEA Project.
- Contains less than 25% of the parking spaces of the 2021 SCEA Project.
- Produces 20% less daily car trips of the 2021 SCEA Project.
- Has one less excavated level of parking than the 2021 SCEA Project.

The SCEA relies on uncertified Transportation information from 2013 and 2015, outdated materials for this NEW project. The City cannot have it both ways by a) utilizing SCEA for a “new” project, but relying on 2013 data from a previous uncertified EIR from a smaller project that was never supported or affirmed.

The SCEA relies on Bicycle/Pedestrian mode studies on Dayton Street to say that no mitigation or improvements are needed, yet it is clear that Dayton Street configurations must change to handle the 83% increase (about 853 trips in excess of City's limit for this roadway segment per 2015 EIR's smaller project), and there are no required or proposed Dayton Street or intersection mitigation. APX G, PDF pg. 75, 77. Additionally, it appears that no PEQI or BEQI was performed on any other roadway segment. (See SCEA Appendix G, p. 13.)

The SCEA relies on HCM Signalization Intersection Capacity Analysis (Apx. G, PDF pg. 57-73), yet ignores the dangerous and challenging unsignalized intersections at Dayton/Fair Oaks (split configuration) and at Dayton Raymond. Therefore, by omission, the SCEA incorrectly and inadequately concludes that there are no intersection issues, just as the uncertified 2015 EIR did.

In fact, the SCEA's abbreviated traffic studies fail to study, let alone suggest needed mitigation for, the two critical unsignalized intersections at both ends of the significantly impacted Dayton Street Segment. (Appendix G, 5/3/19 Transportation Impact Analysis (PDF pg. 42). This analytical failure occurs again as in the challenged and uncertified 2015 FEIR.

Fair Oaks Avenue driveway is stated to be "... in direct *contrast* to the City's Street Design Guidelines." (January 22, 2018 Predevelopment Plan Review for City Council – Doc.) But it is not in *conflict*, and no data is provided to support the City's rejection outright. Being "in contrast" does not disqualify a Fair Oaks driveway, which suggests the SCEA (and previous EIR) should have studied this option.

The City knows that the project's impact on the Dayton Street Segment was significant with the smaller 2015 project, and is far more significant for the current Project under SCEA review. In both, no mitigation is considered, let alone studied.

Bicycle parking with no bike improvements required or mandated, despite the unsafe existing unsignalized intersection conditions at the split Dayton/Fair Oaks intersections, does not mitigate impacts. Pedestrian review when no crosswalk or safety improvements are required or mandated, despite the horrible intersection conditions at the split Dayton/Fair Oaks intersections does not mitigate impacts.

d. The Current Proposed Project Continues a Prior Proposal but the SCEA Provides Insufficient Information.

The history of proposals at the project site is relevant to the Commission's current recommendation to the City Council about environmental review, and to the Commission's ultimate review of the Project presentation. In 2011, initiating the Central

Park Apartments, ARG presented three possible development schemes to the public. "Scheme C" was described as similar to Colonel Green's 1903 concepts, and was encouraged for exploration. However, G&K rejected it outright. This history is relevant because today's SCEA project is claiming to be some sort of reincarnation of the "1903 vision" by G&K, yet today's overbearing Project is significantly *not* anything like the respectfully smaller Scheme C (for which the Association makes no endorsement here).

In 2013, an EIS for the revived Project was roundly panned in public scoping sessions, yet G&K proceeded to the DEIR in 2014, which by evidence of the public and Design Commission's comments all had extensive concerns and questions, and a general consensus that this inadequate DEIR that failed to address any 2013 concerns *and raised further additional concerns* that mushroomed with the 2015 Revised Draft EIR and Final EIR hearings. The SCEA makes no mention of the prior history of project proposals for this same Project site. (SCEA, p. 3.0-5 ["prior applicable EIRs" named are "SCAG Connect SoCal... EIR, the City of Pasadena General Plan EIR, and the Central District Specific Plan EIR"; no others are identified].)

In 2017, there was a Design Commission Preliminary Review with a reduced set of plans and 13-page staff report. In 2018 there was a Predevelopment Plan Review before the City Council. At both reviews, more questions arose as to the massive size and impacts and poor level of design. It was obvious that the 1903 concepts were being left back with 2011's Scheme C.

There is a failure that continues to expand today with G&K's failure to heed many public or previous Design Commission concerns and questions with a new, larger SCEA project demanding less transparency and public review.

Since the 2021 Central Park Apartments Project still relies on the *uncertified* 2015 FEIR (and 2013 data) with uncertified responses to all of the public comments, the SCEA is inappropriately applied to this oversized 2021 Project. The SCEA avoids identification and study of standard, critical environmental issues:

- No Alternatives are put forward;
- No Known Areas of Controversy are addressed, despite 11 identified in the 2015 DEIR, as well as at least 9 additional concerns from public comments (6 noted in the DEIR and at least 3 more from the public comments). All of the 2014-15 "areas" apply.
- Additional Areas of Controversy noted in the 2015 FEIR Public Comments are relevant but are not mentioned or studied.
- Specific Issues to be Resolved in the 2015 FEIR are not identified or addressed, let alone resolved.

- No Cumulative Development Impacts are identified or studied. The 2015 FEIR relies on 2013 Cumulative Projects, 2013 city population and other now-outdated 2013 transportation facts. The significantly larger 2021 Project relies on outdated 2013/2015 data, despite far more Cumulative projects through 2021+.
- The SCEA contains an inapplicable (and possibly inaccurate) “Outside of CEQA Analysis” section that proves the 2021 Project is detrimental to the Dayton Street Roadway Section, yet fails to study adjacent Dayton Street intersections or request mitigation. It studies less than the 2015 EIR, yet today’s Project presentation is far bigger.

The 2015 DEIR’s Section 4.0 Environmental Checklist is 103 pages, more than 236% the size of SCEA’s Section 4.0 Environmental Checklist of just 55 pages, despite the larger, more complex and arguably more impactful 2021 Project. The SCEA fails to provide adequate review of environmental impacts.

The SCEA relies on a minimized, subjective and unproven Environmental Checklist in analyzing environmental impacts, while its Appendices rely on 2015 and 2013 data that require updating for this larger Project presentation.

Additional informational deficiencies and inadequacies of the SCEA are detailed in comment letters that were submitted for the prior Green Hotel Apartments project, incorporated by reference.

Conclusion.

The Commission should recommend reliance on completing the previously-initiated EIR review process rather than switching to using the SCEA process for the proposed project. The Commission is the approval authority for the proposed project so will need to rely on the environmental review process (whether completing the EIR or switching to the SCEA) that the City Council chooses. We request that you recommend the City Council choose the EIR process. The project as proposed can have profound impacts on the future of the City. It must be fully understood and appropriately mitigated with fully informed involvement and consideration by the public, public agencies, and decision makers. The only way to ensure that occurs is through completing the EIR review process.

Sincerely,



Douglas P. Carstens
dpc@cbcearthlaw.com