

3.1 LAND USE

1. The Draft EIR/EIS fails to provide acceptable mitigations for many Land Use related environmental impacts.

The Land Use/Planning section of the Draft EIR/EIS is inadequate under NEPA and CEQA as to all four Build Alternatives in that the Draft EIR/EIS fails to include any specific, feasible, enforceable performance-based mitigations which address the loss of temporary parking, permanent parking, temporary construction easements, and/or permanent easements or acquisition of land, including, but not limited to, rights of way.

2. Mitigation Measure LU- 1 (General Plans and related local plans) is inadequate under NEPA and CEQA as to all four Build Alternatives.

Specifically,

- Simply asserting that the appropriate jurisdictional authority for each Build Alternative will “request” that the applicable local jurisdictions amend their General Plans and/or other local land use plans after the acquisition of land for the selected alternative to reflect the improvements in that selected Build Alternative is meaningless and illusory and potentially accomplishes nothing.
- As to CEQA and NEPA, consistency of the Project with applicable General Plans and/or other local land use plans, including, but not limited to, specific plans and zoning ordinances, is essential as such documents were adopted, and cleared environmentally, to ensure environmental quality and mitigate environmental effects. For example, as to Pasadena:
 - Under the Freeway Tunnel Alternative, the portion of the current “stub” above Del Mar Blvd. would remain, and, no feasible, performance-based, enforceable mitigation measure is included;
 - Under the Freeway Tunnel Alternative, St. John Ave. would be extended to California Blvd., thereby creating a new street segment. This new street segment is not contemplated in Pasadena’s General Plan and violates the Mobility Element’s prohibition against adding new capacity for automobile traffic;
 - The Draft EIR/EIS discussion of Pasadena’s General Plan includes errors or is outdated. The West Gateway Specific Plan (1998) is due to “sunset” in 2016, and should not be a Draft EIR/EIS reference document. The Draft EIR/EIS shows both sides of the north portal as “commercially” zoned, when, in fact, the area is low-density multi-family on the west, and high-density multi-family on the east. The zoning schematic also fails to differentiate schools in this area, including Waverly, Maranatha, and Sequoya, which are PS zoned. Further, the Draft EIR/EIS fails to study and consider the effects and impacts of the fact that Pasadena’s General Plan, including the Land Use and Mobility Elements, are currently in the process of being comprehensively revised and updated.
 - The Draft EIR/EIS bifurcates Land Use and Planning from significant impacts to Pasadena’s community character, and, does not adequately study impacts on community character, including, but not limited to, an adequate discussion of

Environmental Setting, or, include feasible, performance-based, enforceable mitigations to protect and maintain community character;

- The proposed series of six, large, ventilation towers or “stacks” for the northern portal (and, in the alternative, any other location or number of such ventilation towers for the northern portal) are not contemplated by or provided for in Pasadena’s General Plan, applicable Specific Plan, zoning code and applicable design guidelines and standards. As proposed, the ventilation towers specifically conflict with and violate numerous Pasadena Land Use standards, including height, massing, footprint, and impacts on view sheds.
- To the extent such a “request” is denied by Pasadena or no local action is taken, ongoing inconsistency will have a significant environmental impact. The Draft EIR/EIS, to be adequate, must take account of such denial or no action possibility, and include specific, feasible, mitigation measure(s) that are performance-based and enforceable.

3. Mitigation Measure LU-2 (State, Regional and related local transportation-related plans) is inadequate under NEPA and CEQA as to all four Build Alternatives.

Specifically,

- The Draft EIR/EIS assertion that the Freeway Tunnel Alternative would be “generally” consistent with the General Plan of the city of Pasadena because it would provide transportation “improvements” consistent with the goals and objectives included in the General Plan of Pasadena is an assertion that is totally without support or merit. In that the Land Use section of the Draft EIR/EIS includes no supporting discussion or evidence of the truth of this assertion, the Draft EIR/EIS is inadequate in this regard.
- Again, simply asserting that Los Angeles County Metropolitan Transportation Authority will “coordinate” with the Southern California Association of Governments on needed amendments to certain regional plans to achieve consistency potentially accomplishes nothing. The Draft EIR/EIS, to be adequate, must take account of failure to coordinate or a no action possibility, and include specific, feasible, mitigation measure(s) that are performance-based and enforceable.

4. The Draft EIR/EIS is inadequate in that the proposed series of six, large, ventilation towers or “stacks” for the northern portal (and, in the alternative, any other location or number of such ventilation towers for the northern portal) will have substantial adverse impacts on a number of scenic vistas, will substantially damage scenic resources, and, will substantially degrade the existing visual character and quality of the site and its surroundings.

The ventilation towers will result in significant environmental impacts:

- The ventilation towers will be placed on the western side of the Colorado Blvd. bridge overpass of the SR 710 northern terminus – three on each side. The ventilation towers are massive in terms of height, massing, footprint, and impacts on view sheds. The largest of these structures is over 50 feet tall. There is a significant change in grade from the intersection of Orange Grove and Colorado Blvd. and Colorado Blvd. gently descends

to the overpass bridge – a view seen by millions of Tournament of Roses Parade watchers in person or on broadcast media every January first. One of the worlds' finest Art Museums, the Norton Simon, and one of the most successful and valued preserved commercial National Register Districts, Old Pasadena, are adjacent to the proposed ventilation towers. The Draft EIR/EIS View Impact Assessment asserts on Page 201 that the towers will be the predominately visual element in the view toward Old Pasadena due to their size and colors. The towers are illustrated on Page 204 of the Draft EIR/EIS Visual Impact Assessment without adequate regard to significant impacts on scenic vistas or view sheds.

- The Visual Quality discussion on Page 202 of the Draft EIR/EIS Visual Impact Assessment is inadequate in its entirety. The assertions are unsupported by any facts, including, such comments and assertions as the views of the towers will be balanced with “harmonious” repetition, and that the built towers would constitute an interesting, colorful “entrance” to the area. The assertion that the Visual Resource Change would be moderate is clearly inadequate – the change would be overwhelmingly significant from a CEQA and NEPA perspective.
- The Draft EIR/EIS fails to take into account the unique scenic vistas and resources of this area, including the potential for visual degradation and loss of visual resources. In sum, this bridge is not the typical irrelevant freeway overpass. In light of the significant impacts, adequacy of the Draft EIR/EIS requires detailed study of the various scenic vistas, views, resources and character that will be significantly impacted. Such study should include digital view shed analyses to and from the ventilation towers, and from all perspectives, including Old Pasadena, the Tournament of Roses parade route, other scenic vistas in all directions, and all impacted residential and school properties.

After full analyses of the significant scenic vista and scenic resources impacts, the Draft EIR/EIS must include specific, feasible, mitigation measure(s) that are performance-based and enforceable.

5. The Draft EIR/EIS is inadequate in that the proposed series of six, large, ventilation towers or “stacks” for the northern portal (and, in the alternative, any other location or number of such ventilation towers for the northern portal) will have substantial adverse impacts on Cultural Resources, namely the Old Pasadena National Register Historic District.

Specifically,

- As previously noted, the Draft EIR/EIS Visual Impact Assessment asserts on Page 201 that the towers will be the predominately visual element in the view toward Old Pasadena due to their size and colors. Height, footprint, and massing also should be added to this list.
- Placement of these towers adjacent to Old Pasadena will cause a jarring conflict in community character, scale, and design compatibility as well as degradation of both the experience of Old Pasadena visitors and businesses and the human and cultural value of the historic resources themselves, resulting in significant Cultural Resources environmental impacts. Such placement clearly will violate Pasadena’s adopted or

accepted by the community Land Use and Design policies with respect to compatible development adjacent to Cultural Resources. The Draft EIR/EIS Cultural Resources studies and analyses should be changed to include study of the significant impacts of placement of such massive structures, which are out of character, scale and compatibility, adjacent to Old Pasadena, including the addition of specific, feasible, mitigation measure(s) that are performance-based and enforceable.