

Linda Vista-Annandale Association
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March 2, 2023

Via Email To: publiccomment@rosebowlstadium.com.

Re: Brookside Golf Course Improvements Project; CEQA Review and MND

To: The Rose Bowl Operating Company (RBOC) and the City of Pasadena.

The Linda Vista-Annandale Association (LVAA) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Brookside Golf Course Improvements Project (the Project) prepared pursuant to the California Environmental Quality Act (CEQA).

Incorporated in 1930, LVAA is a California non-profit, mutual benefit corporation, tax exempt under IRC Section 501(c)(4), and corresponding California tax law, dedicated to the improvement and development of the Linda Vista-Annandale neighborhood area of Pasadena, and the promotion of the general welfare of Linda Vista-Annandale residents.

The Linda Vista-Annandale neighborhood area consists of roughly 2.5 square miles, extending from the west bank of the Arroyo Seco to the boundary with Glendale in the area of the Linda Vista portion of the San Rafael Hills, and below the Devil's Gate Dam at Hahamongna.

Our neighborhood includes, and LVAA represents, approximately 1,300 single-family homes located in the City of Pasadena. Our neighborhood also includes an important educational institution, the Art Center College of Design Hillside campus. To the east, north and south, our neighborhood, including the Art Center, is immediately adjacent to, and abuts, the Central Arroyo Seco including the site of the proposed Project.

The MND Project Description is Legally Inadequate.

Applicable CEQA law requires an unambiguous, accurate, stable and "finite" Project Description. A leading CEQA case law opinion in this area is [Stoepthemillenniumhollywood.com v. City of Los Angeles](http://Stoepthemillenniumhollywood.com) (2019) 39 Cal.App.5th 1, 16–20 [251 Cal.Rptr.3d 296, 307–310, 39 Cal.App.5th 1, 16–20], As stated by the court in its opinion:

The requirement of an accurate, stable, and finite project description as the sine qua non of an informative and legally sufficient EIR has been reiterated in a number of cases since County of Inyo. (See, e.g., Treasure Island, supra, 227 Cal.App.4th at p. 1052, 174 Cal.Rptr.3d 363 [“This court is among the many which have recognized that a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading”]; Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 85–89, 108 Cal.Rptr.3d 478 [EIR failed as an informal document because the project description was inconsistent and obscure as to the true purpose and scope of the project]; San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 653, 57 Cal.Rptr.3d 663 [an EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider issues raised by the proposed project].)

Here, the MND itself states that the Project is merely “conceptual” and that the proposed Project will be specifically determined when funding is secured. See the discussion at the top of Page 15 of the MND. Further, the Administrative Record is replete with oral comments on behalf of the Lead Agency, the RBOC, that the exact Project will be figured out “later”. The most recent iteration of Project status and description is in the Staff Report for a meeting of the RBOC Board held on March 2, 2023, wherein it is stated: *This matter will then return to the Board soon for consideration of adoption of the MND, concurrent with a substantial allocation of public funds toward the Project, even though the RBOC is not yet ready to break ground. When the RBOC has completed preliminary design and engineering work, and has secured substantial funding toward the Project, the RBOC will then seek necessary City approvals, including a conditional use permit and design review.* As to a very important issue to the public – the apparent removal of 47 generally healthy canopy Trees on the Project site – both the MND and the accompanying Tree Report indicate the number of removals in fact cannot be determined at this point in Project development.

The Project Description in the MND for this proposed Project is so minimal and misleading that it fails to include required detail sufficient to enable those in the public who did not participate in its preparation to understand and to consider issues raised by the proposed Project. Further, the public cannot determine the precise scope and purpose of the Project. Therefore, the MND is legally Inadequate.

MND Deferral of Mitigation is Legally Inadequate.

CEQA requires that the MND include all required and necessary detailed and enforceable Mitigations as to potentially significant impacts.

The MND and accompanying reports including the Tree Report and the Biological Resource Assessment, as well as other Studies and numerous oral comments included in the Administrative Record, repeatedly indicate that the City of Pasadena Design Commission, the RBOC, or the Urban Forestry Advisory Committee (UFAC) and/or the City Manager of Pasadena, at some unknown later time will determine the precise and finite Project including its scope and including, very importantly to the public, the exact number of public Canopy Trees on the Golf Course that will be cut down. At that point in the future, there will be no vehicle or method under CEQA to impose necessary and required detailed and enforceable Mitigations for significant environmental impacts. Such deferral of Mitigations renders the MND legally Inadequate.

The MND is Legally Inadequate in that the Document Fails to Fully Study and Analyze the Impacts of Project Permanent Night Lighting.

Both “parts” of the proposed Project include extensive light installations for the purpose of nighttime operations. Except for conflicts with Rose Bowl events, the Project proposes night hours of operation and night lighting seven (7) days a week all year round until 10:00 P.M., followed by less further lighting for such matters as cleaning. Currently and historically, the Golf Courses close at dusk and no later than 8:00 P.M. No part of the Arroyo Seco has ever been permanently subject to night lighting and all previous proposals to do so have been rejected by the City.

The entire Arroyo Seco, including the Central Arroyo, currently and historically, is regarded as an irreplaceable natural, environmentally sensitive recreational area, subject to Rose Bowl Stadium events and activities. The Central Arroyo is part of an extensive Wildlife Corridor system, including Wildlife habitats and environmentally important habitat linkages, is home to many Bird species as well as being a “Flyway” for migrating and local Birds, and is part of a number of Trail systems.

This status of the Central Arroyo is recognized in long-standing City policies and rules, beginning with the Land Use Element of Pasadena’s General Plan which provides as a matter of adopted policy:

10.11 Eaton Canyon Corridor and the Arroyo Seco. Preserve and maintain the natural character of the Eaton Canyon Corridor and the Arroyo Seco as self-sustaining healthy

ecosystems of plants and animals, in balance with the integration of recreational facilities and flood control improvements.

10.15 Open Space Connectivity. Maintain and, where possible, restore wildlife corridors and habitat linkages.

One of the foundational documents of the City as to the natural character of the Central and Lower Arroyo areas is the Arroyo Seco Public Lands Ordinance which the MND ignores. See the discussion of this Ordinance below. The purpose of the Arroyo Seco Public Lands Ordinance is as follows:

The purpose of this chapter is to establish regulations for preservation, enhancement and enjoyment of the Arroyo Seco as a unique environmental, recreational and cultural resource of the city surrounded by residential neighborhoods. Such resource and the neighborhoods must be preserved, protected and properly maintained. These regulations are designed to identify uses, activities, facilities and structures as well as their limitations.

The Central Arroyo also is part of an extensive hiking and trail system, as discussed in the Central Arroyo Master Plan:

The recreation trails in the Central Arroyo are part of a regional hiking and equestrian trail system. There is also a network of local pedestrian pathways connecting to adjacent neighborhoods.

The primary suggested Mitigation for the proposed permanent night lighting is to focus all lighting downward. This suggested Mitigation is unresponsive to the facts in the Central Arroyo, is incomplete, will be ineffective, and ignores the unique environmental status of the Central Arroyo. The proposed permanent night lighting will create a permanent night “glow” in the Central Arroyo plus add permanent night time noise, traffic, and people to the Central Arroyo. The night lighting will impact all the surrounding and adjacent neighbors and neighborhoods by altering the way neighbors and neighborhoods, who and which are Sensitive Receptors under CEQA, experience the Central Arroyo – that is, permanently changing the physical and visual relationships between the Central Arroyo and the surrounding and adjacent neighbors and neighborhoods. The permanent night lighting will permanently change the character of the Central Arroyo and may undermine the National Register status of the Golf Course areas by permanently changing the historic “setting”.

The proposed night lighting will result in significant environmental impacts which require full study and analysis under CEQA including required detailed and enforceable Mitigations. Failure to fully study and analyze these significant environmental impacts

resulting from the Project's imposition of permanent night lighting renders the MND legally Inadequate.

The MND is legally Inadequate in that the Noise and Lighting Studies are Incomplete.

The Lighting Study informs the public of literally nothing as to potential impacts on the environment with the exception of indicating where lights will be located – although the one page “Study” is almost impossible to decipher as a member of the public. Missing is a full study and analysis, including any Mitigation that may be required, of the full amount of permanent “glow” and spillage in the Central Arroyo, including sight line studies of the night lighting impacts on surrounding and adjacent neighbors and neighborhoods as well as impacts on users at night of the Recreational Loop and the Brookside Clubhouse.

As to the Noise Study, the Noise Ordinance and rules in Pasadena are known to be out of date from a public health and environmental perspective, and, therefore, any study and analysis of Noise impacts from the Project, particularly at night, must include analysis outside of the current City Noise Ordinance as to current, up to date scientific measurements and information. Further, Noise from activities and events in the Central Arroyo is especially impacted by changing air, wind, cloud, and weather circumstances, and must be studied analyzed based on variable models of such circumstances, particularly when a new, permanent change to the environment is proposed as is the situation with the proposed Project.

In that the Noise and Light Studies are Incomplete, the MND is legally Inadequate.

The Land Use and Planning Section of the MND is Legally Inadequate in that the Section Fails to Consider and Apply the Arroyo Seco Public Lands Ordinance to the Proposed Project.

The Arroyo Seco Public Lands Ordinance is one of the foundational legal and policy Ordinances of the City that applies to the Central Arroyo. See the Purpose of the Arroyo Seco Public Lands Ordinance set out above. This is the law that divides the Central Arroyo into four distinct areas including the Golf Courses. The Arroyo Seco Public Lands Ordinance is completely ignored and overlooked by the MND. The MND does not address the Ordinance and includes no study and analysis of it in the Land Use and Planning Section of the MND.

The General Regulations of the Ordinance, Section C., ban commercial uses in the Central Arroyo except for Rose Bowl Stadium Displacement Events and ancillary

activities, and Music and Arts Festivals, both of which are temporary uses. The permanent commercial use of the Golf Courses pursuant to this proposed Project for the admitted purpose of maximizing RBOC net profit may violate this provision against commercial uses. This matter requires further CEQA study and analysis, particularly since the City proposes that a Conditional Use Permit must be obtained for the proposed Project which would not be appropriate or if the proposed Use(s) is/are not legally permitted.

Further, the Golf Course section of the Ordinance provides that: *Any new permanent structure or alteration of existing structures shall be subject to the hearing procedures of Section 3.32.180.* The required Hearing is before the Parks and Recreation Commission of the City of Pasadena, with a recommendation required to be forwarded to the Pasadena City Council. All construction plans and landscaping plans are required to be reviewed by the City's Design Commission.

In that the MND and supporting Reports and Studies omit any reference to and any study and analysis of the Arroyo Seco Public Lands Ordinance, the MND is legally Inadequate.

Use of a "Mitigated Negative Declaration" as the Method of CEQA Study and Analysis for the Proposed Project is legally Inadequate. Since it is Apparent that the Proposed Project Will Result in a Number of Significant Environmental Impacts, a Focused, Project-Level Environmental Impact Report (EIR) Should Have Been Prepared and Circulated.

The MND utilized for the proposed Project is minimal, in error, and incomplete, and fails to legally Adequately mitigate obvious potential significant environmental impacts of the proposed Project as discussed above.

In addition, and most importantly, an MND does not enable and allow for essential study and review of matters requiring public review as to the proposed Project including: Alternatives to the proposed Project including the Environmentally Superior Alternative, full consideration of impacts to Sensitive Receptors, and Cumulative Impacts. For example, it is suggested that the Miniature Golf part of the proposed Project be relocated to an area adjacent to Kidspace and that the activity be a joint project of both the RBOC and Kidspace. This Alternative should receive full study and review under CEQA in LVAA's opinion. Another example of Alternatives that should receive full study and review under CEQA is to require that the hours of operation of the proposed Project coincide with the Golf Course hours of operation, or close earlier than 10::00 P.M.

The MND for this proposed Project should be withdrawn, and a focused, project-level EIR prepared with a full analysis of the proposed Project that fully and Adequately informs the public of all potential significant environmental impacts. As part of this revised CEQA process, broad and robust public participation should be encouraged and engaged in, including holding several CEQA Scoping meetings. Scoping was completely overlooked as part of the proposed Project MND process.

Thank you for your attention to our comments and concerns.

Sincerely,

/s/ *Nina Chomsky*

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cc: LVAA Board of Directors