

## ATTACHMENT D

### SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #4703

#### Minor Conditional Use Permit: Non-Residential Development exceeding 15,000 square feet in a Transit Oriented District

1. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* A non-residential project exceeding 15,000 square feet is permitted in the CD-1 zoning district with a Minor Conditional Use Permit. The development of the urban housing has been designed to be compatible with all applicable provisions of the Zoning Code, Central District Specific Plan and the TOD standards.
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 design of the proposed Westgate Pasadena urban housing development will meet all requirements of the Zoning Code, including the Central District Specific Plan and the TOD requirements. There are no variances required for the project. The applicant is able to meet all requirements such as height, setback, parking, floor area etc. As such the location of the use complies with the purposes of the CD-1 zone and the Central District Specific Plan.
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 General Plan designation for the site is specific plan, and the site is part of the Central District Specific Plan area. The project was designed to meet the goals and objectives and all development standards as specified in the plan. The EIR finds the Project will further the goals of the Central District Specific Plan by providing a urban housing within walking distance to existing retail/commercial uses, through upgrades of the utility infrastructure and systems on the project site, and improvement of the aesthetic character of the project site and surrounding community.
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.* An EIR was prepared for the project. The EIR finds project impacts to construction, operation and cumulative air quality and cumulative traffic would remain significant and unavoidable even after incorporation of mitigation measures. These impacts would require the adoption of a Statement of Overriding Considerations which has been prepared on the basis that the benefits of the project outweigh this unavoidable impact of 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.* As noted in other findings, an EIR was prepared for the project. With the mitigation measures and recommended conditions of approval, there will be no detrimental impacts in the neighborhood as a result of the project. As noted in

finding 4, an EIR was prepared. A Statement of Overriding Considerations determined that the benefits of the project outweigh the significance of the building.

- 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 project will be subject to extensive design review by staff. The Design Commission will further evaluate the aesthetics of the project to ensure the final design is compatible with the character defining features of Old Pasadena. An Initial Study was prepared for the project that evaluated aesthetics. The Initial Study found there would be no significant impacts related to issues such as scale, view protection and character.

#### Additional TOD Findings:

- 7. The project consists of a use or mix of uses that encourage transit use and is oriented toward the transit user.* The new Westgate Pasadena urban housing development will be an attractive amenity to the Transit Oriented District (TOD) to enable residents in the immediate urban area to walk to Old Pasadena or access the Gold Line Metro Rail, which is consistent with goals and intent of the TOD district.
- 8. The project design enhances pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* The design of the project engages the street and enhances the pedestrian environment along De Lacey Avenue by directing pedestrians onto the street. Vehicular movement at the site will also be directed to Pasadena Avenue, and Valley and Dayton Streets to improve circulation at the site. The addition of an improved intersection Pasadena Avenue at Del Mar Boulevard will also provide pedestrians a safer crossing of Pasadena Avenue than now exists. Pedestrians will have another choice for crossing at an intersection with a traffic signal to cross the street to go to Westgate Pasadena, Margarita Jones Restaurant, Dona Rosa Restaurant, small shops along Del Mar Boulevard, and the Del Mar Gold Line Station.
- 9. The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces the dependency on motor vehicles.* The project has been designed to engage the street, which will aid in drawing pedestrians onto the site. The project will enhance pedestrian access by bringing the building up to grade level and introducing residential door stoops on the streets around the perimeter of the project and provide a plaza at De Lacey Avenue at Dayton Street anchored by ground floor retail which will serve as a pedestrian gathering place. The primary pedestrian and open spaces are intended to be designed at street grade to allow improved public and handicap accessibility into the project site.

#### Findings for Tree Removal

- 10. The project, as defined in Section 17.12.020, includes a landscape design plan which will result in tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project.* There are currently 166 trees with a total of 89,155 square feet of canopy coverage

on the project site including street trees. Twelve of these trees qualify for protection under the City of Pasadena Trees and Tree Protection Ordinance; two of the trees are designated “native” and ten are designated “specimen.” Nine of the protected trees would be relocated within the project site as part of the proposed project; three of the protected trees would be protected in place (see FEIR **Figures 3C.2 and 3C.3**).

The proposed project includes the removal of 118 non-ordinance protected trees and the relocation on-site of 35 trees as part of the project’s landscape design. There are no landmark eligible trees or trees that are of a unique size or species that would be removed. In addition, the project would add 380 new trees to the project site: 13 large specimen trees, 255 small canopy trees/palms, and 112 palms. A total of 427 trees would be located on-site with implementation of the proposed project.

Canopy coverage within the proposed project would be approximately 48,199 square feet within one year of occupancy. Within five years of occupancy, canopy coverage would increase to approximately 85,125 square feet (see Figure 3C.2), or nearly the same amount of canopy coverage currently on-site. Within ten years of occupancy, proposed canopy coverage would increase to approximately 163,996 square feet (see Figure 3C.3) and nearly double the existing canopy coverage. The creation of a tree canopy of greater significance in both volume and coverage spread across the whole of the project site is consistent with the spirit and intent of the Tree Protection Ordinance.