

ATTACHMENT B SPECIFIC FINDINGS

Development Agreement

1. *The Development agreement would be in the best interest of the City in that in for exchange for the 212 units the city gets the following: the project would redevelop two substantially vacant properties that were previously industrial use; the City would become the home of "A Noise Within" a classical repertory theater" or other use of community-wide benefit; the historic Stuart Pharmaceutical would be preserved, rehabilitated, and occupied by a compatible use and this is one of the five key goals of the East Pasadena Specific Plan; the 15% inclusionary housing requirement would be provided on site. More recent residential projects in the City have opted to contribute to the in-lieu fee as their inclusionary housing obligation; the project will provide housing in a transit oriented district (TOD); and the road improvements for Kinneloa/Walnut are expedited which will alleviate some of the traffic congestion in East Pasadena.*
2. *The Development agreement is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan and this Zoning code. The proposed mixed use development is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the East Pasadena Specific Plan and the EPSP-d2-CG zoning district.*
3. *The development agreement would not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City. The proposed mixed use development is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the East Pasadena Specific Plan and the EPSP-d2-CG zoning district. In addition the project has be reviewed by the City's Public Works, Transportation, and Fire Department and these Department and these Departments have added conditions that ensure that the project not be detrimental to or injurious to the general neighborhood or general welfare of the City.*
4. *The development agreement is consistent with the provision of State law (Government Code Sections 65864 through 65869.5). The Development Agreement was prepared consistent with the State law and in accordance with the provisions of the Zoning Code.*

Expressive Use Permit (theater use)

1. *The proposed use is allowed with an Expressive Use Permit within the subject zoning district and complies with the applicable development and design requirements of the subject zoning district and with all applicable provisions of this Zoning Code. The proposal meets the intent of the development standards of the East Pasadena Specific Plan in Section 17.32 (Expressive Use Permits). The theater site will comply with EPSP-d2-CG zoning district standards for parking, height, setbacks, and all other development*

standards. Additionally, the application has met all of the application and processing criteria for Expressive Use Permits.

2. *The proposed use will provide and maintain wastewater to establish and maintain an unrestricted flow in sanitary sewers during average and peak conditions as established by the city's approved sewer master plan, as amended from time to time.* The proposed site is in a developed urban, commercial center where wastewater service is readily available. The theater use is replacing an existing vacant building. However, the proposed theater use is an anticipated use for the site and significant changes to wastewater flows are not envisioned. The impacts on the sanitary sewer system are not expected to be significant.

3. *The proposed use will provide and maintain solid waste services to establish and maintain a level of service consistent with the city's approved source reduction and recycling element.* A condition of approval will be added to this project to ensure that all solid waste complies with the Waste Management plan requirements of the East Pasadena Specific Plan. The Waste Management Plan will be review by the Zoning Administrator and Public Works Director and will include trash specifications and recycling specifications.

4. *The proposed use will provide and maintain fire prevention and suppression services as established by the Uniform Fire Code to establish and maintain minimum response time for fire and emergency medical calls as established by the city's approved general plan.* The project will be required to meet all Fire Department requirements during the plan check process. In addition, these items will be verified at the time of inspection for occupancy.

5. *The proposed use will provide and maintain police services and crime prevention services to establish and maintain minimum response time for police calls for service as established by the city's approved general plan.* The proposed use can be serviced by the police and is not anticipated to increase the levels of service.

Conditional Use Permit (Commercial use greater than 25,000 sq.ft.)

1. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) or Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code;* The proposed theater use is allowed with a minor conditional use permit within the East Pasadena Specific Plan (EPSP)-d2-CG zoning district and will comply with all the applicable provisions of the zoning Code

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 proposed theater use is a permitted use at this location and meets the commercial development standards applicable to the EPSP-d2-CG 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 proposal meets the commercial development standards applicable to the EPSP-d2-CG zoning

district. In addition the project achieves two of the five East Pasadena Specific Plan's key goals; accommodate the transit site and maximize its use and enable preservation of the Stuart Company Building.

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 project would allow the adaptive re-use of the existing Stuart Building and the new construction of 212 apartment units. The project will comply with all of the development standards of the EPSP-d2-CG zoning district. The project will be required to comply with all Building Codes and Fire and Safety requirements.

Currently the Stuart Building is un-occupied and the site where the apartments will be built is vacant. The new theater brings a cultural use to a potentially blighted vacant building and the new apartment will infill the vacant parcel at the intersection of Sierra Madre Villa and Foothill Boulevard. Both of these actions should improve the public health, safety, and welfare of the area.

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 project is consistent with the EPSP-d2-CG zoning district and applicable development standards. The project will introduce a cultural use into an existing vacant building and the new construction will eliminate the vacant parcel along the Sierra Madre Villa and Foothill Boulevard street frontage.

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 adaptive re-use of the Stuart building as a theater has been reviewed and accepted by Chattel Architecture and the City Design and Historic Preservation staff. In addition the Stuart Building is subject to design review by the City's Design Commission.

Minor Conditional Use Permit (commercial use in a TOD)

1. *The project consists of a use, or mix of uses, that encourage transit use and is oriented toward the transit user.* Given that the MTA Gold Line Station is located adjacent to the theater. Patrons of the theater can access both Metro light rail system and several local and regional bus lines when attending theater performances and attend classes during the day.

2. *The project is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* On- and off-site pedestrian movement includes the public sidewalks and walkways along Sierra Madre Villa Avenue and Foothill Boulevard. Of particular importance, the area between the Stuart building and the apartment building is proposed to be improved with landscape plantings and a fountain to create a pocket-type pedestrian park. In addition to providing vehicular access for emergencies and theater deliveries, this landscaped park serves as a

physical north-south pedestrian connection between the MTA parking garage, new theater, new apartment building and Foothill Boulevard.

3. *The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.* The proximity of the Gold Line station provides theater patrons the option of using light rail and/or bus transit to attend theater performances. The landscaped north-south parkway gives pedestrians access from the MTA Gold Line station to Foothill Blvd. In addition there will be bicycle racks throughout the project site

4. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) or Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code;* The proposed theater use is allowed with a minor conditional use permit within the East Pasadena Specific Plan (EPSP)-d2-CG zoning district and will comply with all the applicable provisions of the zoning Code

5. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;* The proposed theater use is a permitted use at this location and meets the commercial development standards applicable to the EPSP-d2-CG zoning district.

6. *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 proposal meets the commercial development standards applicable to the EPSP-d2-CG zoning district. In addition the project achieves two of the five East Pasadena Specific Plan's key goals; accommodate the transit site and maximize its use and enable preservation of the Stuart Company Building.

7. *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 project would allow the adaptive re-use of the existing Stuart Building and the new construction of 212 apartment units. The project will comply with all of the development standards of the EPSP-d2-CG zoning district. The project will be required to comply with all Building Codes and Fire and Safety requirements.

Currently the Stuart Building is un-occupied and the site where the apartments will be built is vacant. The new theater brings a cultural use to a potentially blighted vacant building and the new apartment will infill the vacant parcel at the intersection of Sierra Madre Villa and Foothill Boulevard. Both of these actions should improve the public health, safety, and welfare of the area.

8. *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 project is consistent with the EPSP-d2-CG zoning district and applicable development standards. The project will introduce a cultural use into an existing vacant building and the new construction will eliminate the vacant parcel along the Sierra Madre Villa and Foothill Boulevard street frontage.

9. *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 adaptive re-use of the Stuart building as a theater has been reviewed and accepted by Chattel Architecture and the City Design and Historic Preservation staff. In addition the Stuart Building is subject to design review by the City's Design Commission.

Minor Conditional Use Permit (shared parking)

1. *The spaces to be provided would be available as long as the uses requiring the spaces lawfully exist.* It is a recommended condition of approval that a shared parking agreement be executed between the Metropolitan Transportation Authority (MTA) and A Noise Within Theater Company.
2. *The quality and efficiency of the parking or loading utilization would be equal or exceed the level that is otherwise required.* The 63 required theater parking spaces will be provided in the existing MTA Gold Line Station parking structure which is immediately adjacent to the site and is maintained by the MTA. It is anticipated that the theater will use the parking spaces during the off-peak periods of the Gold Line.
3. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) or Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code;* The proposed theater use is allowed with a minor conditional use permit within the East Pasadena Specific Plan (EPSP)-d2-CG zoning district and will comply with all the applicable provisions of the zoning Code
4. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;* The proposed theater use is allowed with a minor conditional use permit within the East Pasadena Specific Plan (EPSP)-d2-CG zoning district and will comply with all the applicable provisions of the zoning Code
5. *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 proposal meets the commercial development standards applicable to the EPSP-d2-CG zoning district. In addition the project achieves two of the five East Pasadena Specific Plan's key goals; accommodate the transit site and maximize its use and enable preservation of the Stuart Company Building.
6. *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 project would allow the adaptive re-use of the existing Stuart Building and the new construction of 212 apartment units. The project will comply with all of the development standards of the EPSP-d2-CG zoning district. The project will be required to comply with all Building Codes and Fire and Safety requirements.

Currently the Stuart Building is un-occupied and the site where the apartments will be built is vacant. The new theater will bring a cultural use to a potentially blighted vacant building and the new apartment will infill the vacant parcel on this block face. Both of these actions should improve the public health, safety, and welfare of the area.

7. *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; and The proposed project is consistent with the EPSP-d2-CG zoning district and applicable development standards. The project will introduce an art and cultural use to an existing vacant building and the new construction will eliminate the vacant parcel along the Sierra Madre Villa and Foothill Boulevard street frontage.*

8. *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 adaptive re-use of the Stuart building as a theater has been reviewed and accepted by Chattel Architecture and the City Design and Historic Preservation staff. In addition the Stuart Building is subject to design review by the City's Design Commission.*

Variance (reduction of loading spaces)

1. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district; There are special circumstances applicable to the location and physical conditions in the immediate vicinity that warrant the approval of a variance to reduce the required on-site loading. The landscaped park which serves as a physical north-south pedestrian connection between the MTA parking garage, new theater, new apartment building and Foothill Boulevard, has direct access to the "back of house" activities for the theater and has been designed to provide vehicular access for emergencies and theater deliveries (loading). Two additional loading spaces in this area will have a negative impact on the pedestrian functionality of this space.*

2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship; Granting the variance is necessary for the preservation of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship in that the variance allows the project to be developed in a manner that results in a site plan which respects the site orientation of the historic Stuart Building and the pedestrian oriented amenities of the project. Providing one loading space in the north/south landscaped access way helps retain the pedestrian functionality of this space. There is the possibility of utilizing the existing parking spaces in front of the Stuart Building to accommodate the additional loading requirement however, it is required that loading spaces be screened and any form of screen wall (landscape or structural) would have a negative impact on the historically significant front yard of the Stuart building.*

3. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general*

welfare; loading for the production deliveries will occur in the loading area which is incorporated into the north/south landscaped corridor. This location is located on private property and is located outside the public right-of-way. This loading area sits back from the MTA kiss and ride access so it is not readily visible from the right-of-way. Given the narrow view corridor of the landscape parkway the loading area is only visible (for a short duration) when standing directly in front of the space.

4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district;* The East Pasadena Specific Plan encourages the adaptive re-use of the Stuart Building. The proposed variance will introduce a use that will activate the Stuart Building. Given the historic importance of the building and its surrounding landscape grounds there are few areas on the site where unscreened loading will not have a negative visual impact. Approval of the variance would not constitute a grant of a special privilege given the historic significance of the building and site.

5. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* Cost to the applicant of strict compliance with the development standards related to the variance request is not the primary reason for the granting of the variance in that cost to the applicant has not been considered a factor at any time throughout the review of the development agreement.

Certificate of Exception (Lot Line Adjustment)

1. *The parcel resulting from the lot line adjustment (consolidation) will conform to local zoning and building ordinances in that;* The resulting lots will comply with the applicable development standards of the EPSP-d2-CG zoning district. The resulting lot size for Parcel 1 (SMV/A Noise Within) and Parcel 2 (SMV/BRE) will allow both parcels to have enough land area for the proposed 212 and 188 units (respectively) which are currently under construction. The transfer of .821 acres from Parcels 1 to Parcel 2 will not result in any Variance requests.