

**ATTACHMENT A**  
**Specific Findings of Fact for Adjustment Permit #11612**  
**and Conditional Use Permit #5317**

**Approval of Adjustment Permit: Adjustments to exceed maximum allowable height in two height districts; to exceed maximum allowable Floor Area Ratio (FAR) in one FAR district; and to reduce the required number of loading spaces from six to two.**

*The proposed development is:*

1a. *Allowed within the subject base zoning district in that the CD-5/AD-2 zoning district allows for commercial office and retail uses. The project is allowed with the approval of: Adjustment Permit to exceed height, to exceed floor area ratio, and to reduce the number of required loading spaces; Conditional Use Permit for a new development of over 25,000 square feet; Minor Conditional Use Permit for Transit-Oriented Development; and Private Tree Removal.*

1b.(1). *In conformance with the Criteria identified in 17.61.070(D) of the Zoning Code:*

1.b.(1)D.1. *The land involved shall be a minimum of 0.5 acres in area and shall be either in one or multiple ownership(s) filed jointly by the owner(s) of all of the property included. The subject site is 1.3 acres. The application was submitted by existing property owner and reviewed for compliance with all applicable development standards.*

1.b.(1)D.2. *The proposed development shall be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and shall result in a comprehensive development incorporating a more enhanced environment and architectural excellence than would normally be possible under more standard district development requirements.*

The Revised Project is consistent with several General Plan goals and objectives, including:

See **Attachment F**.

The Revised Project is consistent with several policies, goals, and objectives of the Central District Specific Plan, including:

See **Attachment F**.

In addition, the Revised Project is a comprehensive commercial development with a combination of retail, restaurant and office uses. The Revised Project includes pedestrian-oriented development facing the streets and will create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments to height, floor

area, and loading allow for flexibility in the location of floor area on the site to provide publicly accessible courtyards to complement the Playhouse District. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors and wide ground floor open spaces to reduce the appearance of building mass near the streets.

1.b.(1).D.3. *The various elements of the proposed plan, including structures, grounds, and open space, shall relate to one another in a manner that forms a comprehensive plan of sufficient unity to justify exceptions, if any, to the standard district development requirements identified in this Zoning Code.* The Revised Project is a comprehensive commercial development with a combination of retail, restaurant and office uses. The Revised Project includes pedestrian-oriented development facing the streets and will create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments to height, floor area, and loading allow for flexibility in the location of floor area on the site to provide publicly accessible courtyards to complement the Playhouse District. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors and wide ground floor open spaces to reduce the appearance of building mass near the streets.

1.b.(1).D.4. *The proposed development shall not adversely affect adjacent properties.* The Final EIR and Addendum found that none of the Adjustments (height, floor area, reduced number of loading spaces, and reduced setback) have an adverse environmental effect on any adjacent property, and no known negative land use effects have been identified as a result of the Adjustment Permit. The Final EIR determined that the traffic generated by the proposed project would have unavoidably significant impacts on two traffic segments on El Molino Avenue. However, even without the adjustments, the traffic generated by the proposed floor area of office and retail uses would still result in the two unavoidably significant impacts. Therefore, a Statement of Overriding Considerations is required for the project. The FEIR and Addendum determined that other environmental impacts with mitigations would be less than significant.

1.b.(1).D.5. *Where applicable, the Adjustment Permit provides the flexibility in development standards necessary to preserve a significant historic landmark, resource, site, or structure.* The Revised Project includes ground floor publicly accessible courtyards that reduce substantial building mass in proximity to the historic Pasadena Playhouse on El Molino Avenue. The Revised Project will enhance the vitality of the Playhouse District, which indirectly may contribute to the long-term preservation of the historic Pasadena Playhouse.

1b.(2) *The proposed development is in conformance with the goals, policies, and objectives of the General Plan and the intent of the Central District.*

See **Attachment F**.

- 1.b.(3) *The proposed development is applicable to the provisions of the Zoning Code relating to both on-and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose and intent of the CD-5/AD-2 zoning district.* The Revised Project will comply with all on-and off-site improvements as required by all City departments. The Revised Project carries out the purposes of the CD-5/AD-2 zoning district: it implements the purposes of the Central District Specific Plan which targets the area for commercial development; and the development contributes to the existing pedestrian-oriented character of E. Colorado Boulevard and S. El Molino Avenue.
  
2. *The proposed project would produce a comprehensive development incorporating a more enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, inc.) than would normally be possible under more standard district development requirements.* The Revised Project is a comprehensive commercial development with a combination of retail, restaurant and office uses. The Revised Project includes pedestrian-oriented development facing the streets and will create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments to height, floor area, and loading allow for flexibility in the location of floor area on the site to provide publicly accessible courtyards to complement the Playhouse District. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors and wide ground floor open spaces to reduce the appearance of building mass near the streets.
  
3. *The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.) would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and base zoning district in which the property is located.* The Revised Project would have emergency vehicle access from a new driveway on S. El Molino Ave. In addition, the Revised Project includes publicly accessible courtyards and building step backs that allow for increased access. The existing infrastructure in the vicinity can provide adequate public services and utilities for the development. The Fire, Transportation, Public Works, Water and Power Departments have evaluated the project and set conditions to assure that the project does not endanger, jeopardize or otherwise constitute a hazard to public health and safety.
  
- 4.a. *The subject site is physically suitable for the type and density/intensity of development being proposed.* The site slopes five feet downward from north to south and is located in an urbanized area. The Zoning Code and Central District Specific Plan allow for commercial uses on the site. The proposed Revised Project

is allowed with the approval of the Adjustment Permit and other requested entitlements. The site has adequate vehicular and pedestrian access from S. El Molino Avenue and E. Colorado Boulevard.

- 4.b. *The subject site is adequate in shape and size to accommodate the proposed development.* The site is rectangular shaped with access from S. El Molino Avenue and E. Colorado Boulevard. The Revised Project proposes a 77-foot building (five stories), two single-story buildings, and a subterranean parking garage. The project is allowed with the approval of the Adjustment Permit and other requested entitlements. There are other mixed-use and commercial buildings in the vicinity of the project site that are similar in size and use.
5. *The public need for, and the positive benefits to be derived from, the proposed project clearly outweigh any of the potential unavoidable negative effects it may cause.* The Final EIR and Addendum found that none of the adjustments (height, floor area, and reduced number of loading spaces) have an adverse environmental effect on any adjacent property, and no known negative land use effects have been identified as a result of the Adjustment Permit. The Final EIR determined that the traffic generated by the proposed project would have unavoidably significant impacts on two traffic segments on El Molino Avenue. However, even without the adjustments, the traffic generated by the proposed floor area of office and retail uses would still result in the two unavoidably significant impacts. Therefore, a Statement of Overriding Considerations is required. The Final EIR and Addendum determined that other environmental impacts with mitigations would be less than significant.
6. *Where applicable, the Adjustment Permit provides the flexibility in development standards necessary to preserve a significant historic landmark, resource, site, or structure.* The Revised Project includes publicly accessible courtyards that reduce substantial building mass in proximity to the historic Pasadena Playhouse on El Molino Avenue. The Revised Project will enhance the vitality of the Playhouse District, which indirectly may contribute to the long-term preservation of the historic Pasadena Playhouse.

**Approval of Conditional Use Permit: For a Non-Residential Project over 25,000 Square Feet**

7. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the project is allowed with a Conditional Use Permit and the requested entitlements.* The Revised Project will be in compliance with the required findings and with conditions to ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.
8. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the PS zoning district in that the Revised Project proposes commercial (office, retail, and restaurant) uses.* These uses are allowed in the CD-5/AD-2 zoning district with the requested entitlements.

9. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the Central District Specific Plan.*

See **Attachment F**.

10. *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 Revised Project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements and the conditions of approval, the Revised Project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations has been adopted for the project. The Final EIR and Addendum determined that all other potentially significant environmental impacts can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the Revised Project.
11. *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 Revised Project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements and the conditions of approval, the Revised Project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations has been adopted for the project. The Final EIR and Addendum determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the Revised Project.
12. *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.* With the approval of an Adjustment Permit to exceed maximum allowable height, to exceed maximum allowable Floor Area Ratio, and a reduction in loading spaces, the Revised Project is compatible with existing and future land uses, aesthetic values, character, scale, and view protection in the vicinity. The existing neighborhood is developed with a mix of commercial, residential, and institutional land uses. The existing neighborhood includes buildings of different heights, construction types, vintages, and architectural character. The general design, site plan, pedestrian orientation to the streets and sidewalks, and the publicly accessible courtyards are in

character with other development in the vicinity. The design characteristics of the Revised Project will be reviewed in the Design Review process to ensure compliance with the applicable design guidelines.

**Approval of Minor Conditional Use Permit: Transit-Oriented Development**

13. *The project consists of a use or mix of uses, that encourage transit use and is oriented toward the transit user.* The Revised Project includes 137,253 square feet of office use, 4,500 square feet of restaurant use, and 3,675 of ancillary retail use. The majority of the persons using the building will be employees who are able to use the Gold Line and/or local bus service to commute to the site. The Revised Project will include on-site bicycle parking spaces for cyclists that work and visit the site.
14. *The project is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* The Revised Project includes ground floor retail uses that are oriented toward E. Colorado Boulevard and S. El Molino Avenue. The Revised Project has been designed to comply with the reduced number or on-site parking stalls in compliance with the Transit-Oriented Development standards of the Zoning Code. The site of the Revised Project is accessible by users of the Gold Line. The Revised Project will include on-site bicycle parking spaces for cyclists that work and visit the site.
15. *The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.* The Revised Project includes ground floor retail uses that are oriented toward E. Colorado Boulevard and S. El Molino Avenue. The Revised Project has been designed to comply with the reduced number or on-site parking stalls in compliance with the Transit-Oriented Development standards of the Zoning Code. The project includes bicycle parking for employees and visitors. The site of the Revised Project is accessible by users of the Gold Line. The Revised Project will include on-site bicycle parking spaces for cyclists that work and visit the site.
16. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The CD-5/AD-2 zoning district allows for commercial office and retail uses. The Revised Project is allowed with the approval of: Adjustment Permit to exceed height, to exceed Floor Area Ratio, and to reduce the number of required loading spaces; Conditional Use Permit for a new development of over 25,000 square feet; Minor Conditional Use Permit for Transit-Oriented Development; and Private Tree Removal.
17. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the CD-5/AD-2 zoning district.* The Revised Project is a commercial project with subterranean parking garage that is allowed in the CD-

5/AD-2 zoning district. This district allows for a variety of land uses, including commercial, office, residential, and mixed-use.

18. *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.*

See **Attachment F**.

19. *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 Revised Project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the Revised Project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR and Addendum determined that all other potentially significant environmental impacts can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the Revised Project.
20. *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 Revised Project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements and the conditions of approval, the Revised Project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations has been adopted for the project. The Final EIR and addendum determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the Revised Project.
21. *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.* With the approval of an Adjustment Permit to exceed maximum allowable height, to exceed maximum allowable Floor Area Ratio, and to reduce loading spaces, the Revised Project is compatible with existing and future land uses, aesthetic values, character, scale, and view protection in the vicinity. The existing neighborhood is developed with a mix of commercial, residential, and institutional land uses. The existing neighborhood includes buildings of different heights, construction types, vintages,

and architectural character. The general design, site plan, pedestrian orientation to the streets and sidewalks, and publicly accessible courtyards are in character with other development in the vicinity. The design characteristics of the Revised Project will be reviewed in the Design Review process to ensure compliance with the applicable design guidelines.

**Approval of Private Tree Removal of One Protected Specimen Tree [Erythrina caffra (Kaffirboom Coral) – 25'-height x 35'-spread x 27"-diameter at breast height**

22. *The present condition of the tree is such that it is not reasonably likely to survive.*

A tree report was prepared by Charles Elliot, Landscape Architect (Registration No. CA4502). The report indicates that the tree has a weak crotch condition at the base. This condition is likely to worsen over the coming years as the overhanging lateral branches continue to grow and gain girth. The added weight of these branches will continue to weaken this architectural defect and eventually cause the tree to split down the middle. Additionally, there are several girdling roots evident above ground. This could explain certain areas of die back already present in the tree, which will likely worsen over time as these roots continue to grow and choke off the root structure. The tree is heavily scarred in several areas. These weak spots on the tree are vulnerable areas for insects and disease to enter the tree, causing eventual deformation, or decline and failure of the tree. The tree is a likely candidate for wind storm damage as it continues to grow laterally. This tree will likely continue to be deformed by die back, limb breakage and an eventual split at the base.

23. *There is an objective feature of the private tree that makes it not suitable for protection as a specimen tree.* The tree contains several large scars which are not only detrimental to the health of the tree, but are unsightly further diminishing the ornamental quality of the tree. While the *Erythrina caffra* tree species is largely considered an ornamental specimen. This particular tree lacks the growth habit and branching structure that would make it a suitable candidate for protection. Its overall appearance is diminished by the previous damage and it poses a potential risk to the public. It is likely that the tree will continue to diminish in appearance and property truing of the dangerous limbs will only add to the overall disfigurement of the tree.

24. *There is a substantial hardship to the property owner in the enjoyment and use of the real property if the injury or removal of the private tree is not permitted.* The tree is located in the interior of the subject property. The extensive excavation for the subterranean parking structure will require the removal of all site trees and will be replaced as part of the project's new landscape plan. To not allow the project to construct the underground parking garage in order to retain the tree would be a substantial hardship to the use of the real property because it could not accommodate a reasonable development that is typical of other large commercial and mixed-use developments in the vicinity.