

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MODIFICATION TO EXPRESSIVE USE PERMIT #3537**

Modification of Expressive Use Permit #3537– To allow events at the existing art gallery/museum facility

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 existing private art gallery/museum was established in 1999 with the approval of an Expressive Use Permit. The proposed events would be ancillary to the main art gallery/museum use. The proposed events are common ancillary activities in a typical art gallery/museum use. The improvements on the third level of the existing facility will be within the footprint of the existing facility and thereby within the design requirement of the Central District Specific Plan.
  
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 subject site is in a developed urban area where wastewater service is readily available. The main use of the facility will remain unchanged, as an art gallery/museum. The proposed modification would allow ancillary events to occur at the existing facility. Because of this, significant changes to wastewater flows are not envisioned as there is no substantial change of use. Furthermore, any possible changes to wastewater flows will be reviewed by the Public Works Department during the plan check process. As such, 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.* The existing solid waste service for the art gallery/museum use will be maintained. Additionally, 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 Central District. The Waste Management Plan will be reviewed 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 improvements to the third level of the existing structure will be required to comply with the current Fire Department and Building and Safety Division requirements. These items will be reviewed during the plan check process and 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 Department and is not anticipated to increase the levels of service. The Police Department reviewed the proposed project and did not express concerns regarding the proposed events.

Minor Conditional Use Permit – To allow the off-site sharing of parking spaces

6. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The Zoning Code allows shared parking agreements with a parking study in the Central District Specific Plan, subject to the approval of a Minor Conditional Use Permit. A Parking Study was prepared which concluded the shared parking arrangement will meet the peak parking demands for the project.

7. *The location of the proposed use complies with the special purposes of this Zoning Code and purposes of the applicable zoning district.* The parking lot located at 505 East Colorado Boulevard is located adjacent to the east of the subject site, which is within the maximum 1,000 feet distance allowed within the Central District Specific Plan. Additionally, this parking lot is utilized by an office use whose hours of operation ceases by 6:00 p.m., as such the shared parking can occur without conflict and this meets the parking standards of the Zoning Code.

8. *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.* General Plan Land Use Element Policy 19.3 (Parking Management) encourages management of parking to reduce the amount of land devoted to frequently vacant parking lots through parking management tools. The sharing of available parking spaces at 505 East Colorado Boulevard is a good use of existing resources, and reduces the amount of land that would be devoted to parking lots. Lowering the number of off-street parking spaces is one way to promote non-vehicular modes of transportation, which is consistent with the purpose of the Central District Specific Plan to emphasize mixed-use environment to support transit- and pedestrian-oriented mobility strategies.

9. *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 parking study determined that the projected peak demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Additionally, conditions of approval have been incorporated that prohibits more than one event to occur at the same time on the same day; or to occur while the art gallery/museum is in operation, which reduced the parking demand for the use. Lastly, conditions of approval have been incorporated to limit the number of attendees to ensure that the parking demand studied in the submitted parking study is current. Any further increase in parking requirements will require review through a modification to or an approval of a new Minor Conditional Use Permit.

10. *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 parking study determined that the projected peak demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Any further increase in parking requirements will require review through a modification to or an approval of a new Minor Conditional Use Permit.

11. *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 parking study determined that the projected peak demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Furthermore, shared parking has successfully existed for other similar mixes of uses. The subject property and the parking locations are located within the Central District Transit Oriented Development Area, which encourages pedestrian activities. By sharing the available parking spaces, which are located adjacent to the site, the shared parking will encourage pedestrian activity in the area.

12. *The spaces to be provided will be available as long as the uses requiring the spaces lawfully exist.* The parking study documented that the parking spaces at 505 East Colorado Boulevard will be available for the events at the subject site and for their respective uses. Any further reduction will require modification to or an approval of a new Minor Conditional Use Permit.

13. *The quality and efficiency of the parking or loading utilization will exceed the level that is otherwise required.* According to the submitted parking study, the existing parking supply and availability on the adjacent lots is sufficient to accommodate the proposed parking demand for the events. Conditions of approval are incorporated to require invitations to the events to include information about the location of parking.