

ATTACHMENT A
MODIFICATION TO CONDITIONAL USE PERMIT #6222 FINDINGS

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SPECIFIC FINDINGS FOR MODIFICATION TO CONDITIONAL USE PERMIT #6222

Conditional Use Permit: To Allow Infrastructure Improvements within OS Zoning District

1. *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 proposed improvements are permitted subject to the review and approval of a conditional use permit. The improvements proposed with the project will allow for increased utilization of the City's surface water rights from the Arroyo Seco and maximize the beneficial uses of this important local water resource. The proposed project will implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake will include a fish screening feature to prevent fish populations from passing into the intake and conveyance system, and a roughened channel will be constructed directly downstream of the new weir to allow for future fish passage upstream during moderate flow periods. To ensure the project does not negatively impact the surrounding areas, conditions have been recommended through mitigation measures, as well as conditions of the conditional use permit approval.
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 subject site is located within the Open Space (OS) zoning district and has been utilized for open space use. The purpose of the project is to repair as well as enhance existing amenities within the Arroyo Seco Canyon Area. The proposed conditional use permit will allow for the necessary repairs of the existing Water Division facilities, while expanding open space opportunities for members of the public. As such, the location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable 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 City's General Plan Open Space and Conservation Element sets forth objectives related to the use of water resources in the City (City of Pasadena 2012). The proposed project supports these objectives, as follows:
 - Increase the efficiency of water use among Pasadena residents, and commercial and industrial organizations.

The proposed project will facilitate the efficient use of water in the Arroyo Seco by allowing for increased utilization of the City's surface water rights and reducing reliance upon imported water supplies from the Metropolitan Water District of Southern California (MWD). PWP has a longstanding right to divert up to 25 cfs

from this source. MWD imports water from the Sacramento-San Joaquin Delta via the State Water Project, and from the Colorado River. In recent years, MWD has imposed allocation limits on its water supply deliveries to its member agencies, and the future reliability of imported water will continue to face uncertainties from climate change, environmental regulations, and droughts. Another important issue associated with imported water is cost, which has increased substantially in the past few years (City of Pasadena 2012). Achieving water supply reliability will depend on a number of key water policy and management decisions on a regional and local level, including implementation of projects such as the proposed Arroyo Seco Canyon Project Areas 2 and 3.

- Protect local water supply sources and plant trees and vegetation that are consistent with habitat and water conservation policies.

The proposed project will facilitate the protection of local water supply sources by improving the ability of the diversion weir and intake structure to capture water during high-flow storm events. It has been PWP's practice in the past (more so after floods following the Station Fire damaged the upstream settling basins) to bypass water from high-flow storm events when the water is sediment-laden and turbid in order to protect the existing infrastructure from damage. The proposed project will include improvements to the diversion weir and intake structure to better accommodate turbid waters in high-flow events, as well as improvements to the capacity of the spreading basins, both of which will facilitate increased availability and use of local water supply sources.

- Improve surface permeability and recharge aquifers/enhance storm water quality to prevent pollution/trash from entering Los Angeles and San Gabriel Rivers and ocean.

The proposed project will improve the functionality and efficiency of the facilities responsible for the diversion and infiltration of water into the Raymond Basin. PWP has in the past forfeited available water due to the lack of spreading capacity within the spreading basins (Carollo Engineers 2013). The increased capacity and efficiency of the spreading basin improvements in Area 3 (which includes a new sedimentation basin for sediment to settle out before water is directed to the spreading basins) will maximize capacity and infiltration rates, thereby improving the recharge of groundwater supplies.

Furthermore, the project is consistent with the following General Plan Land Use Element Policies:

- Policy 2.14 – Natural Areas: maintain existing and acquire additional natural areas to protect watersheds, natural resources, and afford recreational opportunities for Pasadena's residents;

- Policy 10.9 – Natural Open Space: protect natural open spaces, hillsides, watersheds, and critical habitats to safeguard the health, safety, and beauty of the City for the benefit of present and future generation; and
- Policy 10.18 – Water Quality: encourage the use of natural processes to capture, treat, and infiltrate urban runoff throughout the watershed.

The proposed project will repair and replace the City's water infrastructure facilities in the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements, including the reconfiguration and expansion of infiltration basins, will allow for increased utilization of the City's pre-1914 surface water rights from the Arroyo Seco and maximize the beneficial use of this important local water resource. The proposed project will implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco.

The spreading basin designs in Area 3 will incorporate a network of local trails for recreation use, and these recreational amenities will be further improved through selective planting around the basins. The proposed basin layout and landscaping will enhance the proposed trail network for pedestrians and equestrian usage with incorporation of benches, interpretive signage, and shade structures adjacent to the spreading basins along the proposed pedestrian trails/maintenance roads.

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 improvements are intended to increase water quality and supply reliability, and to expand the potential for recreational activities within the Arroyo Seco Canyon Area. These improvements will adhere to all building code requirements, especially the requirements for accessibility. In addition, the proposal will also be required to meet the standards of all respective City departments prior to the issuance of any building permits. Furthermore, conditions of approval have been imposed to reduce any potential impacts resulting from 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.* The proposed improvements are not intended to be obtrusive to the surrounding areas. The project is intended to implement a multi-benefit approach to the repair and replacement of damaged infrastructure in the Arroyo Seco, with the overall project objective of increasing the beneficial use of the surface water rights held by the City and improving biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake will include a fish screening feature to prevent fish populations from passing into the intake and conveyance system, and a roughened channel will be constructed

directly downstream of the new weir to allow for future fish passage upstream during moderate flow periods. These improvements will be required to adhere to all requirements, including, but not limited to compliance with the building code. The proposal will also be required to meet all conditions as imposed herein by all respective City departments, as well as state agencies prior to the issuance of building permits (ex. Building, Water, Zoning etc.).

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 water facilities are repairs to existing facilities for the most part, and the new percolation ponds will be in close proximity to existing ponds and will replace a parking lot, thereby improving the aesthetic value of the area. The proposed recreational amenities proposed as part of the project will be of a size, style and scale that will be compatible to the natural surroundings. The physical features of the recreational amenities will not be a design feature of primary focus, but will allow the trees, vegetation, streambed, and mountainous terrain to take the spotlight.
7. *There are changed circumstances sufficient to justify the modification to the original approval.* The proposed project under this Modification request are the elements of the project that were set aside with the approval of the first Modification to CUP #6222 by the City Council in July 2017. An Environmental Impact Report, in accordance with the requirements of the California Environmental Quality Act, has been prepared for these components and activities. The FEIR identified potentially significant effects related to the following topics: Biological Resources, Cultural and Tribal Cultural Resources, Hazards and Hazardous Materials, Noise, Recreation, and Transportation. With incorporation of mitigation measures, the FEIR determined that all potentially significant effects will be reduced to a less-than-significant level, with the exception of impacts related to Cultural Resources, which will remain significant and unavoidable after mitigation.