

**ATTACHMENT E
CITY ATTORNEY'S IMPARTIAL ANALYSIS FOR MEASURE CC**

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE CC

Measure CC is submitted to the voters by the Pasadena City Council and would amend various provisions of the Pasadena Municipal Code to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

Background

On February 26, 2018, the City Council of the City of Pasadena ("Council") approved submission of an ordinance for voter approval to amend the Pasadena Municipal Code ("PMC") to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

The Measure

If passed, Measure CC would amend the PMC to allow three types of cannabis permits and a limited number of commercial cannabis businesses citywide as follows: six retailers, four cultivation sites, and four testing laboratories. The Measure includes distance separation requirements consistent with state law, as well as distance separation requirements from each of the businesses and residential districts, and between each of the businesses. The Measure establishes a process for a potential operator to apply for such cannabis permits, as well as to apply for the necessary land use permit. The Measure also establishes health and safety permitting and operating requirements for such businesses. No currently illegally operating cannabis businesses would be grandfathered in; one legal nonconforming testing lab would be allowed to remain. The Measure would repeal the current ban on commercial cannabis businesses.

Measure CC will not take effect unless a companion tax measure (Measure DD) is adopted by the voters. No applications for commercial cannabis businesses will be accepted until the City Manager approves and promulgates administrative regulations. No further voter approval would be required for future amendments by the City Council, which may amend the ordinance that is the subject of this Measure in its usual manner, without further voter approval.

If Measure CC does not pass, the current ban on all commercial cannabis businesses would remain in place.

(Continued on next page)

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE CC (Continued)

Measure CC requires approval of a majority of voters. A "yes" vote for Measure CC will establish the ability of a limited number and types of commercial cannabis businesses to apply for necessary permits and land use approvals. A "no" vote against Measure CC will maintain the existing ban on such businesses.

The above statement is an impartial analysis. Copies of the text of the proposed ordinance is available at City Libraries and on the City's webpage at www.cityofpasadena.net/cityclerk/elections. If you have any questions, please contact the City Clerk's Office at (626) 744-4124.

ATTACHMENT F
SURVEY MAP SUBMITTED BY INTEGRAL ASSOCIATES DENA, LLC

LAND USE RADIUS MAP

SHEET 1 OF 1 SHEET

FOR
 908-928 COLORADO BLVD
 APN 5735-006-036

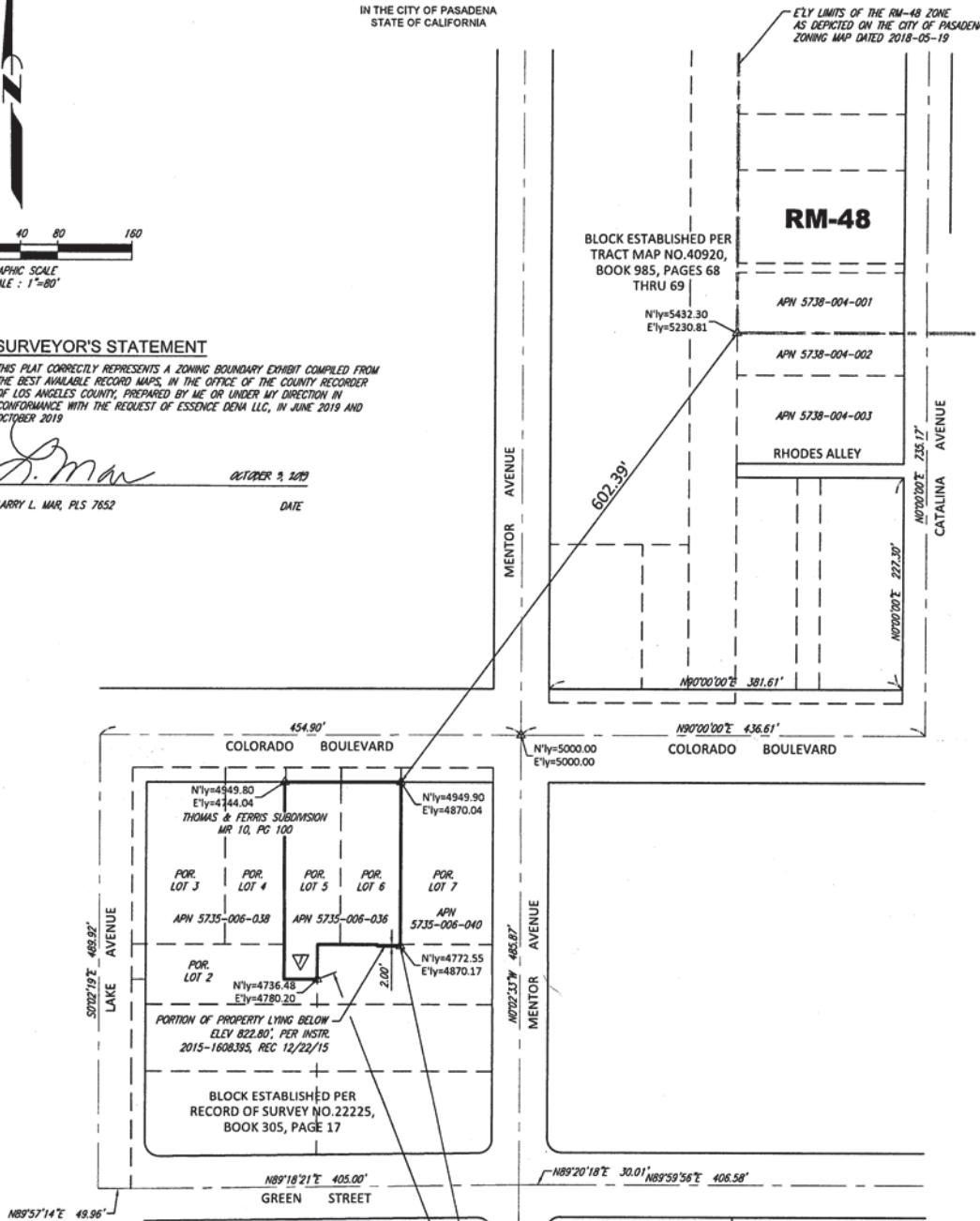
IN THE CITY OF PASADENA
 STATE OF CALIFORNIA



SURVEYOR'S STATEMENT

THIS PLAT CORRECTLY REPRESENTS A ZONING BOUNDARY EXHIBIT COMPILED FROM THE BEST AVAILABLE RECORD MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUEST OF ESSENCE DENA LLC, IN JUNE 2019 AND OCTOBER 2019.

Larry L. Mar
 LARRY L. MAR, PLS 7652
 DATE: OCTOBER 9, 2019



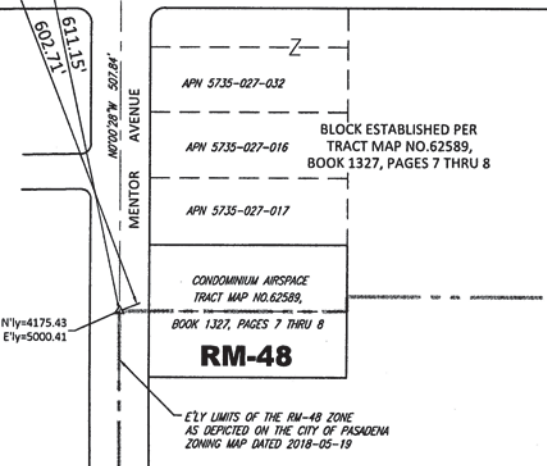
SURVEY NOTES:

- THE BOUNDARY SHOWN HEREON HAS BEEN PLOTTED FROM AVAILABLE RECORD MAPS, PUBLIC MAPS & RECORDS; NO FIELD WORK HAS BEEN CONDUCTED OR UTILIZED IN THE PREPARATION OF THIS PLAT.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS PLAT DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

BASIS OF BEARING:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N90°00'00" E ALONG THE CENTERLINE OF COLORADO BLVD AS SHOWN ON TRACT MAP NO. 40920, FILED IN BOOK 985, PAGES 68 AND 69, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY

NO.	REVISIONS:	DATE:
1	REVISE PROPERTY BOUNDARY TO INCLUDE A 38'X36' PORTION OF LOT 2 OF THOMAS & FERRIS SUBDIVISION MR 10, PG 100, PER VESTING DEED	10/3/19



ELY LIMITS OF THE RM-48 ZONE AS DEPICTED ON THE CITY OF PASADENA ZONING MAP DATED 2018-05-19

**ATTACHMENT G
EIR ADDENDUM**



**CITY OF PASADENA
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

**Addendum to the Environmental Impact Report
for the**

**Colorado at Lake Project (CUP #5209)
880-940 East Colorado Boulevard
Environmental Impact Report Addendum
State Clearinghouse Number: 2009051066**

INTRODUCTION

This document is an Addendum to the certified Environmental Impact Report (EIR) for the Colorado at Lake Project (Project) in consideration of an application for a Retail Cannabis Conditional Use Permit (CUP) by Integral Associates Dena, LLC (Integral) to operate a cannabis business in one of the Project's existing retail spaces. This Addendum has been prepared by the City of Pasadena to fulfill its responsibility as the lead agency pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND

On April 28, 2014, the City Council of the City of Pasadena adopted Resolutions Nos. 9341 and 9343, which certified the Final Environmental Impact Report (EIR) for the Colorado at Lake Project, and adopted the corresponding CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. At the same time the City Council approved CUP #5209 and other land use entitlements, which approved a mixed-use project of hotel, office, retail, and restaurant uses for the site that corresponds with EIR Alternative 3—Hotel Option. More specifically, the approved development project included renovation of the existing landmark Constance Hotel building for use as a new hotel, along with a rear addition to the hotel; renovation of the existing one-story historic commercial structures along Colorado Boulevard for new retail and restaurant uses; a three-story parking garage; and a new office building with six occupied floors, including commercial uses with a bank on the ground floor, and a subterranean parking garage. The total gross floor area of all uses is approximately 231,711 square feet. Integral is now proposing to operate a cannabis business in one of the retail spaces along Colorado Boulevard that was renovated as part of the Project.

PROJECT

The proposed Integral Retail Cannabis CUP involves establishing and operating a retail cannabis business in a portion of the retail space along Colorado Boulevard that was renovated as part of the Colorado at Lake Project. The proposed cannabis business would operate within an existing 3,500-square-foot-tenant space in an existing 19,916-square-foot-building located at 908 E. Colorado Blvd, Pasadena, CA. Physical changes would be limited to tenant improvements. No

new construction is proposed and there would be no expansion of the existing building. Similarly, there are no changes to the physical characteristics of the Project approved by City Council and described in the certified EIR as Alternative 3—Hotel Option.

ENVIRONMENTAL CONSIDERATIONS

The Colorado at Lake Project EIR evaluated potential environmental effects on aesthetics/views, air quality, historical resources, noise/vibration, transportation/circulation, and utilities and service systems. The EIR found that Alternative 3—Hotel Option (i.e., the approved version of the Project) would have potentially significant adverse impacts on air quality, noise, vibration, traffic, and utilities. While noise, vibration, and utilities impacts could be mitigated to less than significant levels, air quality and transportation/traffic impacts would be significant and unavoidable, even with mitigation. For this reason, the City adopted a Statement of Overriding Considerations.

As previously noted, there are no changes to the physical characteristics of the Project approved by City Council and described in the certified EIR as Alternative 3—Hotel Option. The proposed cannabis business application would allow for tenant improvements to the existing building and operation of a 3,500-square-foot retail cannabis establishment. While the EIR did not consider any specific retail uses for the Project, Alternative 3—Hotel Option (i.e., the approved version of the Project) included 19,905 square feet of retail space as part of the total 231,711-square-foot development. Given the small scale of the proposed use in comparison to both the total Colorado at Lake Project and its retail component, the proposed use would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified environmental effects. While the customer turnover rate of a retail cannabis business may be faster than some retail businesses, retail businesses with rapid customer turnover are common in Pasadena. Examples include convenience stores, drug stores, liquor stores, dry cleaners, barber shops, retail banks, and print shops, all of which would be allowed uses within the Project's retail space.¹ Thus, the proposed cannabis use is within the intensity of the retail operational activities evaluated in the certified EIR. Moreover, the proposed cannabis business would comprise 18% of the Project's retail square footage and less than 2% of the Project's total square footage. Thus, even if the proposed cannabis use is more intense than the average retail use, given the comparative scale of the Project, the cannabis use would have a negligible effect on the Project's environmental impacts (i.e., it would be within the margin of error of the environmental analyses in the EIR).

With regard to historic resources, the proposed tenant improvements would not result in a substantial adverse change in the historical significance of the Constance Hotel or the adjacent commercial storefronts. While Integral is proposing tenant improvements to this building, none of the character defining features of the historic storefronts or the Constance Hotel would be demolished or altered. The storefronts would retain their historical significance and their association with the Constance Hotel tower. Impacts on historic resources are substantially similar to those identified in the certified EIR.

¹ Drug stores, dry cleaners, barber shops, retail banks, and print shops are permitted by right in the CD-5 zone in which the site lies; convenience stores and liquor stores are conditionally permitted in the CD-5 zone.

CEQA REQUIREMENTS

In accordance with CEQA, when a Lead Agency considers further discretionary approval on a previously approved project, in this case a CUP for a tenant in the Project's retail space, the Lead Agency is required to consider if the previously certified/adopted CEQA document provides adequate basis for rendering a decision on the proposed discretionary action. In summary, when making such a decision, the Lead Agency must consider any changes to the project or its circumstances that have occurred and any new information that has become available since the project's CEQA document was adopted/certified.

In accordance with State CEQA Guidelines Section 15162(b), prior to approving further discretionary action and depending on the situation, the Lead Agency must either prepare: (1) a Subsequent EIR; (2) a Supplemental EIR; (3) a Subsequent Negative Declaration; (4) an Addendum to the EIR or Negative Declaration; or (5) no further documentation. More specifically, State CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of these conditions exist that would require the preparation of a Subsequent Environmental Impact Report the Lead Agency shall prepare an addendum to the previously certified Environmental Impact Report per Section 15164 of the CEQA Guidelines. Section 15164 of the State CEQA Guidelines states that an addendum to a previously certified EIR is appropriate when, "...some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

The addendum to the Environmental Impact Report shall be considered by the decision making body prior making a decision on the project (State CEQA Guidelines Section 15164[d]). The addendum shall include a brief explanation of the decision to not prepare a subsequent Environmental Impact Report pursuant to Section 15162 (State CEQA Guidelines Section 15164[e]).

DETERMINATION

On the basis of the evaluation contained in this document, there are no substantial changes to the project, no substantial changes in the circumstances under which the project is being undertaken, and no new information of substantial importance that was not known to the Lead Agency at the time the EIR was certified that trigger any of the conditions identified in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 which would require a subsequent or supplemental EIR. Therefore, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, this Addendum has been prepared to document the changes and additions to the certified EIR for the project and to explain the Lead Agency's decision not to prepare a subsequent or supplemental EIR.

COMPLETED BY: John Bellas, Environmental Coordinator

DATE: September 26, 2019