

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** SEPTEMBER 11 2006
FROM: CITY ATTORNEY
SUBJECT: AN URGENCY ORDINANCE TEMPORARILY PROHIBITING
EXPRESSIVE USE PERMITS FEATURING FULL NUDDITY

TITLE OF PROPOSED ORDINANCE

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE PERMITS
FOR ADULT BUSINESSES FEATURING FULL NUDDITY**

PURPOSE OF ORDINANCE

The ordinance imposes a moratorium on the issuance of Expressive Use Permits for all adult businesses that would offer full nudity. During the effective period of this moratorium, the City will continue to process, and grant if warranted, applications for any other type of adult business.

REASON WHY LEGISLATION IS NEEDED

Without the moratorium, an Expressive Use Permit to allow full nudity at an adult business could be granted within the City, potentially without full protection to residential zones from the secondary effects of adult businesses offering full nudity.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance as requests for Expressive Use Permits for adult businesses offering full nudity are sought. Planning will continue to process the permits during the moratorium.

MEETING OF 9/11/2006

AGENDA ITEM NO. 1.A.2

FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this temporary moratorium.

ENVIRONMENTAL DETERMINATION

A Negative Declaration was prepared for the proposed changes, pursuant to the California Environmental Quality Act (CEQA).

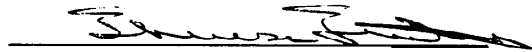
Respectfully submitted,

9/7/06



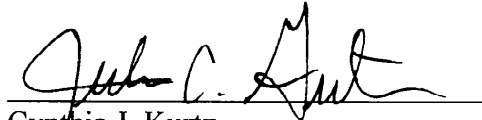
MB Michele Beal Bagneris
City Attorney

Prepared by:



Theresa E. Fuentes
Deputy City Attorney

Concurred by:



for Cynthia J. Kurtz
City Manager

Introduced by: _____

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE
PERMITS FOR ADULT BUSINESSES FEATURING FULL NUILITY**

WHEREAS, the City of Pasadena ("City") has adopted the Land Use Element, and a Social and Economic Development Element, of its General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the protection of residential neighborhoods, and the Social and Economic Development Element sets forth policies and goals toward land use planning that is protective of the social impacts of land uses; and

WHEREAS, citizens voiced concerns in August and September of 2006 regarding the lack of any distance requirement between adult businesses and residentially zoned neighborhoods in the City's Zoning Code; and

WHEREAS, the City Council finds that a distance requirement between adult businesses and residential zones would restrict the potential locations for adult businesses, possibly to the extent that the restriction could be found unconstitutional; and

WHEREAS, the Planning Department has reviewed the adult business land use and operational requirements set forth in the Zoning Code, to analyze other avenues to address the potential secondary effects on residential zones; and

WHEREAS, further regulation of and/or banning of full nudity may reduce the secondary effects commonly associated with adult businesses on residential areas in very close proximity to adult businesses, such as increased crime which reduces the quality of City neighborhoods and commercial districts, and the blighting of neighborhoods and the maintenance of property values. However, to

protect the First Amendment rights of its business community, City staff would need adequate time to study the matter; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without the moratorium, an Expressive Use Permit to allow full nudity at an adult business could be granted within the City, without full protection to residential zones from the secondary effects of adult businesses offering full nudity; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. The provisions of this ordinance temporarily prohibit the issuance of Expressive Use Permits for all adult businesses that would offer full nudity. During the effective period of this moratorium, the City will continue to process, and grant if warranted, applications for any other type of adult business.

SECTION 2. During the effectiveness of this ordinance, the City will undertake a review of its adult business regulations and study whether a permanent ban on full nudity may reduce the secondary effects commonly associated with adult businesses on the residential neighborhoods that may necessarily be in very close proximity to an adult business, and in consideration of the goals and policies established in the City's Land Use Element, Social and Economic Development Element, and zoning code.

SECTION 3. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 day period following its date of publication.

SECTION 4. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such adult businesses.

SECTION 5. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 7. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of publication, in accordance with California Government Code Section 65858.

Signed and approved this _____ day of _____, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

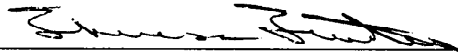
ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Deputy City Attorney

TEF Ordinances/Resolutions\urgency ordinance re nude adult business