

**HEARING SCRIPT  
FOR THE  
PUBLIC HEARING OF THE  
CITY COUNCIL**

**DATE:** September 11, 2006

**SUBJECT:** **PUBLIC HEARING:** Proposed Amendments to the Zoning Code, Regarding the Definition and Regulation of Adult Businesses

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**MAYOR BOGAARD:** There are items on the agenda which both relate to adult businesses and should be heard together. The first is a public hearing on Proposed Amendments to the Zoning Code, Regarding the Definition and Regulation of Adult Businesses, agenda item number 6.B, and the related ordinance at agenda item 11.A.(4). The second is consideration of an Interim Urgency Ordinance Temporarily Prohibiting the Issuance of Expressive Use Permits for Adult Businesses Featuring Full Nudity, agenda item number 7.A.(3), and the related urgency ordinance at agenda item 11.A.(5).

While consideration of the Interim Urgency Ordinance is not a public hearing, we will combine its consideration with the public hearing item so that the overlap between the two items can be addressed by staff and those wishing to make public comment.

09/11/2006  
6.B 7:30 p.m.

With that background, I will now open the public hearing on agenda item 6.B, recognizing that agenda item number 7.A.(3) will be addressed during this time as well. "This is the time and place for the public hearing on Proposed Amendments to the Zoning Code, Regarding the Definition and Regulation of Adult Businesses."

1. City Clerk reports on publication of public hearing notice and any correspondence.
2. Hear from City Manager and staff presentation.
3. Hear from members of the public.
4. Close the hearing.
5. After the public hearing has been closed, the City Council may:
  - A. With regard to agenda item 6.B, the Proposed Amendments to the Zoning Code, Regarding the Definition and Regulation of Adult Businesses, approve Staff recommendation to:
    1. Adopt the Initial Study and Negative Declaration for the proposed Zoning Code Amendments;
    2. Approve a finding of consistency with the General Plan as contained in the staff report; and
    3. Adopt the ordinance listed at agenda item number 11.A.(4), AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE PASADENA MUNICIPAL CODE, TITLE 17 (THE ZONING CODE), REGARDING THE REGULATION OF ADULT BUSINESSES. That ordinance amends the definition of Adult Businesses, changes one operating standard regarding distance requirements between a performer and a patron at Adult Businesses, and makes other minor corrections to the City's regulation of adult businesses.

B. With regard to agenda item 7.A.(3), the Interim Urgency Ordinance Temporarily Prohibiting the Issuance of Expressive Use Permits for Adult Businesses Featuring Full Nudity, approve Staff

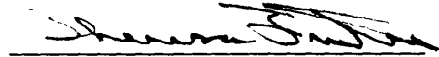
recommendation to:

1. Find the proposed moratorium to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15060(C)(2), because the moratorium will not result in a direct or reasonably foreseeable indirect physical change in the environment; and State CEQA Guidelines Section 15262, because the project involves only feasibility or planning studies for possible future action which the City has not approved, adopted or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.
2. Find that the proposed moratorium is consistent with the objectives and policies in the General Plan.
3. Find that: (a) there is a current and immediate threat to the public health, safety, and welfare because Expressive Use Permits for adult businesses offering full nudity at locations that are directly adjacent to residentially zoned areas of the City are authorized under the current Zoning Code; (b) such Expressive Use Permits could have adverse impacts on residential neighborhoods pursuant to the standards and policies set forth in the General Plan, and (c) an interim ordinance establishing the proposed moratorium is necessary to study ways to reduce these potential impacts.
4. Adopt the ordinance at agenda item number 11.A.(5), AN INTERIM URGENCY ORDINANCE TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE PERMITS FOR ADULT BUSINESSES FEATURING FULL NUDITY, which places a 45 day moratorium on the issuance of Expressive Use Permits to adult businesses which offer full nudity.

C. Approve the Staff recommendations with revisions; or

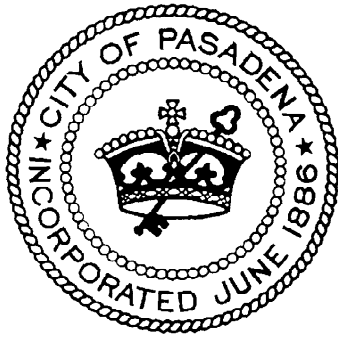
D. Reject the Staff recommendations, with the appropriate findings,  
based on information received at the hearing.

Approved as to Form:



Theresa E. Fuentes  
Deputy City Attorney

Hearing Scripts (TEF)\adult use hearing script



# Agenda Report

**TO:** CITY COUNCIL **DATE:** SEPTEMBER 11, 2006  
**FROM:** CITY MANAGER  
**SUBJECT:** ZONING CODE AMENDMENTS – ADULT BUSINESS DEFINITION AND OPERATIONAL REQUIREMENTS

## **RECOMMENDATION**

It is recommended that the City Council, following the public hearing:

1. Adopt the Initial Study, Negative Declaration, and De Minimis Impact Finding on the State Fish and Wildlife Habitat for the proposed Zoning Code Amendments (Attachments 1 and 2);
2. Approve a finding of consistency with the General Plan as contained in this report; and
3. Adopt AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE PASADENA MUNICIPAL CODE, TITLE 17 (THE ZONING CODE), REGARDING THE REGULATION OF ADULT BUSINESSES, which amends the definition of Adult Businesses, changes the standards for Adult Businesses, and makes other minor corrections to the City's regulation of adult businesses and hold the first reading on the same Monday, September 11, 2006.

## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will consider the proposed amendments at a special meeting to take place the evening of Thursday, September 7, 2006. Staff will provide the Council with an update on the Planning Commission's actions from this special meeting of the Planning Commission.

## **BACKGROUND**

The City last amended and updated the adult business regulations in 1997, when it adopted Ordinance No. 6723 and added the expressive use permit process to the Zoning Code. Since that time, the law governing the regulation of adult businesses has continued to develop. Staff, working with the City Attorney's Office, recently reviewed the Zoning Code provisions regulating adult businesses in light of developed case law, to determine whether any changes to the Zoning Code should be made. Staff concluded that the adult business provisions be amended.

The proposed amendments include changing the definition of "adult businesses" to remove vague language, changing the four-foot separation requirement between adult business performers and patrons so that it applies to all performers and minor corrections to ensure consistency with other provisions of the Zoning Code.

## **ANALYSIS**

This amendment includes two main changes to the Zoning Code provisions which regulate adult businesses, as well as other "clean up" type amendments. The main changes proposed are as follows:

1. The definition of "adult business" will be clarified to make the definition easier to understand and apply. The recommendation for this change comes after considering current case law analyzing adult business related terms which were deemed void for vagueness, and attempts to balance the need to protect First Amendment rights with potential adverse secondary impacts on a neighborhood and the City. The proposed changes to the definition of "adult business" are as follows:

**"Adult Businesses (land use).** A business based upon establishment that, as a regular and substantial course of conduct, offers, sells or distributes materials or performances that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas," as defined in this Zoning Code. The following terms and phrases are defined for the purposes of Section 17.50.030 (Adult Businesses)."

2. In conducting its review of the Zoning Code operating standards for adult businesses, staff noted that the four-foot separation requirement between an adult business performer and a patron only applied where the performer was nude. In reviewing Ordinance No. 6723 and the public record supporting its adoption, staff noted that in 1997 the City Council found that all adult businesses, and not just those that offer nude entertainment, resulted in adverse secondary effects on the City, its neighborhoods, and its families, and thus should be regulated through content neutral time, place, and manner regulations. The definition of adult business adopted at that time includes the performance of "specified sexual activities" regardless of whether the dancer is nude or minimally clad. The amendments proposed include extending the four-foot distance requirement between an adult business performer and patron to include any adult business performer and patron to include any adult business performer, regardless of whether the performer is nude or minimally clad.

The proposed changes to the Zoning Ordinance do not include any other changes to adult business operational requirements or location requirements. Well developed First Amendment law bars the prohibition of adult businesses, and prohibits overly restrictive location requirements that would operate as a ban on adult businesses. Staff has determined that the addition of any distance requirement between adult businesses and residential neighborhoods could operate as an overly restrictive location requirement. If an unconstitutional distance requirement between adult businesses and residential neighborhoods were added to the City's Zoning Code, and subsequently found by a court to be overly restrictive, it is possible that an adult business could establish itself at any location in the City.

### **ENVIRONMENTAL REVIEW**

An Initial Study and Negative Declaration were prepared for these changes, and are attached as Attachment 1.

### **GENERAL PLAN CONSISTENCY**

The proposed revisions to the Zoning Code are intended to update the City's Adult Business ordinance in order to make it consistent with recent case law. These changes will provide greater protection to residential neighborhoods because Adult Businesses will continue to be limited to the CG Zoning district. The amendments are consistent with the Objective #7 of the Land Use Element which states, "Residential Neighborhoods: Preserve the character and scale of Pasadena's established residential neighborhoods."

The proposed amendment will continue to limit Adult Businesses in the CG Zoning Districts thus protecting industrial districts for industrial uses. This is consistent with Policy 10.5 which states, "Promote industrial development by protecting existing industrial districts and encouraging new industrial employers, and by restricting Industrial (IG) zoning districts to industrial businesses and ancillary retail and service activities, including, but not limited to restaurants and child care.

The proposed amendments are consistent with the City's Social and Economic Development Element. The goals of the Element include: The alleviation of human problems through sensitive planning and effective application of resources, on-going evaluation, and continuing commitment to broadly based and informed citizen participation.

Objective 1: A comprehensive planning process which includes social needs and social impacts as integral components in public decision making;

Objective 2: Effective methods to secure informed citizen participation at all points in planning, resource allocation and evaluation process.

The proposed amendments will strengthen the City's review process and ensure that public hearings will be held prior to the approval of an Adult Business use.

**FISCAL IMPACT**

These amendments will not have any foreseeable impact on revenues to the City.


Respectfully Submitted,

  
Cynthia Kurtz  
City Manager

Prepared by:

  
John R. Poindexter  
Planning Manager

Approved by:

  
Richard Bruckner  
Director of Planning and Development Department

Attachments:

1. Initial Study, Negative Declaration
2. De Minimis Impact Finding



**CITY OF PASADENA  
PLANNING DIVISION  
HALE BUILDING  
175 NORTH GARFIELD AVENUE  
PASADENA, CA 91101-1704**

**INITIAL STUDY**

In accordance with the Environmental Policy Guidelines of the City of Pasadena, this analysis, the associated "Master Application Form," and/or Environmental Assessment Form (EAF) and supporting data constitute the Initial Study for the subject project. This Initial Study provides the assessment for a determination whether the project may have a significant effect on the environment.

**SECTION I – PROJECT INFORMATION**

1. Project Title: Adult Businesses Ordinance Revisions
2. Lead Agency Name and Address: City of Pasadena,  
175 North Garfield Avenue  
Pasadena, CA 91101
3. Contact Person and Phone Number: John Poindexter, Planning Manager  
(626) 744-4009
4. Project Location: The proposed ordinance would apply City-wide; however, adult businesses are currently only allowed in the City's General Commercial (CG) zone and within in the East Pasadena Specific Plan and the East Colorado Specific Plan where CG is the underlying designation.
5. Project Sponsor's Name and Address: City of Pasadena  
175 North Garfield Avenue  
Pasadena, CA 91101
6. General Plan Designation: The proposed ordinance would apply City-wide; however, adult businesses are currently only allowed in the General Commercial (CG) land use designation and in certain Specific Plan land use designations.
7. Zoning: The proposed ordinance would apply City-wide; however, adult businesses are currently only allowed in the General Commercial (CG) zone and in the East Pasadena Specific Plan and the East Colorado Specific Plan where CG is the underlying designation.
8. Description of the Project:

The project includes two primary changes to the City's adult business regulations, as well as other minor editorial changes. The first is a clarification to the definition of "adult business" to make the definition easier to understand and apply. The second is a change to extend the existing 4-foot separation between an adult business patron and an adult business performer to include any performance of a "specified sexual activity." The current separation requirement only applies if the performer is nude, and the change will do away with that limitation. The project does not include any

change to the separation requirements between adult uses and any other land use, or change to any other land use regulations of adult businesses.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings):

The City of Pasadena lies in the San Gabriel Valley portion of the Los Angeles Basin. The San Gabriel Valley is bounded by the San Gabriel Mountains to the north and a series of hills to the west, east, and south, including the San Rafael Hills on the west, the Montebello and Puente Hills on the south, and the San Jose Hills on the east. The City of Pasadena is located in the western portion of the San Gabriel Valley with the San Rafael Hills traversing the western portion of the City.

Pasadena is a largely developed, urban/suburban City in Los Angeles County with a historic urban core, suburban residential neighborhoods, hillside communities, and the natural areas of the Arroyo Seco and San Rafael Hills. Other notable land uses in the City include the Rose Bowl, the Jet Propulsion Laboratory (JPL), Pasadena City College, and the California Institute of Technology (Caltech).

The proposed ordinance would apply to adult businesses with the City of Pasadena. Adult businesses are only allowed in the General Commercial (CG) zones of the City. Land Uses in the CG zones include but are not limited to: retail, restaurants, service commercial, and office, professional, and business support uses.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):

Discretionary approval of public agencies other than the City of Pasadena is not required for the proposed project.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Geology and Soils	Population and Housing
Agricultural Resources	Hazards and Hazardous Materials	Public Services
Air Quality	Hydrology and Water Quality	Recreation
Biological Resources	Land Use and Planning	Transportation/Traffic
Cultural Resources	Mineral Resources	Utilities and Service Systems
Energy	Noise	Mandatory Findings of Significance

**DETERMINATION:** (to be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Prepared By/Date \_\_\_\_\_

John Bellas  
Printed Name

*Jennifer P. Sacki*  
Reviewed By/Date

Jennifer P. Sacki  
Printed Name

Negative Declaration/Mitigated Negative Declaration adopted on: \_\_\_\_\_

Adoption attested to by: \_\_\_\_\_  
Printed name/Signature Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Unless Mitigation Incorporated" to a "Less than Significant Impact." The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 20, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. See CEQA Guidelines Section 15063( c)(3)(D). Earlier analyses are discussed in Section 20 at the end of the checklist.
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier documents and the extent to which address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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## SECTION II - ENVIRONMENTAL CHECKLIST FORM

**1. BACKGROUND.**

Date checklist submitted: August 23, 2006  
 Department requiring checklist: Planning and Development  
 Case Manager: John Poindexter, Planning Manager

**2. ENVIRONMENTAL IMPACTS.** (explanations of all answers are required):

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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**3. AESTHETICS.** Would the project:

a. *Have a substantial adverse effect on a scenic vista?* ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed project would have no impact on scenic vistas.

b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** There are two roadways in Pasadena identified in the California Scenic Highway Program, the Angeles Crest Highway (SR 2) and a portion of the Foothill Freeway (I-210). The Angeles Crest Highway, which located north of Arroyo Seco Canyon in the extreme northwest portion of the City, is an Officially Designated State Scenic Highway. The Foothill Freeway from SR 135 to the northwest City limits and beyond is an Eligible State Scenic Highway.

The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the proposed ordinance would have no impact on scenic resources, including scenic resources within a state scenic highway.

c. *Substantially degrade the existing visual character or quality of the site and its surroundings?* ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the proposed ordinance would not impact the visual character or quality of the City.

Potentially  
Significant  
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Significant  
Unless  
Mitigation is  
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Less Than  
Significant  
Impact

No Impact

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ( )

**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the proposed ordinance would not create a new source of light or glare and would cause no related impacts.

**4. AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ( )

**WHY?** The City of Pasadena is a developed urban area surrounded by hillsides to the north and northwest. The western portion of the City contains the Arroyo Seco, which runs from north to south through the City. It has commercial recreation, park, natural and open space. The City contains no prime farmland, unique farmland, or farmland of statewide importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? ( )

**WHY?** See item 2 (a) above. The City of Pasadena has no agricultural zoning designations and no Williamson Act contract land.

c. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ( )

**WHY?** There is no known farmland in the City of Pasadena; therefore the proposed project would not result in the conversion of farmland to a non-agricultural use.

**5. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? ( )

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**WHY?** The City of Pasadena is within the South Coast Air Basin (SCAB), which is bounded by the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the Pacific Ocean to the south and west. The air quality in the SCAB is managed by the South Coast Air Quality Management District (SCAQMD).

The SCAB has a history of recorded air quality violations and is an area where both state and federal ambient air quality standards are exceeded. Because of the violations of the California Ambient Air Quality Standards (CAAQS), the California Clean Air Act requires triennial preparation of an Air Quality Management Plan (AQMP). The AQMP analyzes air quality on a regional level and identifies region-wide attenuation methods to achieve the air quality standards. These region-wide attenuation methods include regulations for stationary-source pollutants; facilitation of new transportation technologies, such as low-emission vehicles; and capital improvements, such as park-and-ride facilities and public transit improvements.

The most recently adopted plan is the 2003 AQMP, adopted on August 1, 2003. This plan is the South Coast Air Basin's portion of the State Implementation Plan (SIP). This plan is designed to achieve the 5 percent annual reduction goal of the California Clean Air Act. The AQMP accommodates population growth and transportation projections based on the predictions made by the Southern California Association of Governments (SCAG).

In addition to the region-wide AQMP, the City of Pasadena participates in a sub-regional air quality plan – the West San Gabriel Valley Air Quality Plan. This plan, prepared in 1992, is intended to be a guide for the 16 participating cities, and identifies methods of improving air quality while accommodating expected growth.

The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the proposed ordinance would not conflict with or obstruct implementation of the AQMD or the West San Gabriel Valley Air Quality Plan.

b. *Violate any air quality standard or contribute to an existing or projected air quality violation?* ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (B and C)** Due to its geographical location and the prevailing off shore daytime winds, Pasadena receives smog from downtown Los Angeles and other areas in the Los Angeles basin. The prevailing winds, from the southwest, carry smog from wide areas of Los Angeles and adjacent cities, to the San Fernando Valley and to Pasadena in the San Gabriel Valley where it is trapped against the foothills. For these reasons the potential for adverse air quality in Pasadena is high, and Pasadena is located in a non-attainment area, an area that frequently exceeds national ambient air quality standards. The South Coast Air Basin (SCAB), which includes the City of Pasadena, is a designated non-attainment area for ozone (O<sub>3</sub>).

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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fine particulate matter (PM<sub>2.5</sub>), respirable particulate matter (PM<sub>10</sub>), and carbon monoxide (CO), and is in a maintenance area for nitrogen dioxide (NO<sub>2</sub>).

The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, approval of the proposed ordinance would not generate any air pollutants and would not cause or contribute to an air quality violation. No impacts related to air quality standards, air quality violations, or increase of criteria pollutants would occur.

d. *Expose sensitive receptors to substantial pollutant concentrations?* ( )

**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. The proposed project would neither generate any air pollutants nor locate any sensitive receptors in the vicinity of substantial pollutant concentrations. Therefore, the proposed project would have no impacts on sensitive receptors.

e. *Create objectionable odors affecting a substantial number of people?* ( )

**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. The proposed project would neither generate any odors nor locate any sensitive receptors in the vicinity of odor sources. Therefore, the proposed project would have no odor-related impacts.

**6. BIOLOGICAL RESOURCES.** Would the project:

a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?* ( )

b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?* ( )

c. *Have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?* ( )



Potentially Significant Impact

Significant Unless Mitigation is Incorporated

Less Than Significant Impact

No Impact

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ( )

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ( )

f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan? ( )

WHY? (A - F) The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the project would not affect special status species or their habitat; riparian habitat or other sensitive natural community; wetlands; wildlife movement, wildlife corridors, or wildlife nursery sites; local policies or ordinances protecting biological resources, including the City's Tree Protection Ordinance; or habitat/natural community conservation plans. Therefore, the proposed project would have no impact on biological resources.

7. CULTURAL RESOURCES. Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? ( )

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? ( )

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ( )

d. Disturb any human remains, including those interred outside of formal ceremonies? ( )

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (A - D)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. As such, the project would have no impact on historic resources, archeological resources, paleontological resources, unique geologic features or human remains.

**8. ENERGY.** Would the proposal:

a. *Conflict with adopted energy conservation plans? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed revisions to the Adult Business regulations do not conflict with the 1983 adopted Energy Element of the General Plan. The proposed modifications to the City's zoning code apply to the interior operations of adult businesses. However, adult businesses would remain subject to the energy standards in the California Energy Code, Part 6 of the California Building Standards Code (Title 24). Measures to meet these performance standards may include high-efficiency Heating Ventilation and Air Conditioning (HVAC) and hot water storage tank equipment, lighting conservation features, higher than required rated insulation and double-glazed windows.

b. *Use non-renewable resources in a wasteful and inefficient manner? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not affect the use of non-renewable resources.

**9. GEOLOGY AND SOILS.** Would the project:

a. *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii. *Strong seismic ground shaking? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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iii. Seismic-related ground failure, including liquefaction as delineated on the most recent Seismic Hazards Zones Map issued by the State Geologist for the area or based on other substantial evidence of known areas of liquefaction? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv. Landslides as delineated on the most recent Seismic Hazards Zones Map issued by the State Geologist for the area or based on other substantial evidence of known areas of landslides? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (A.i – A.iv)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses. No physical changes in the environment are expected to result from the proposed ordinance and the proposed ordinance would not affect the City's building standards. Therefore, the proposed project would cause no impacts related to rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, or landslides.

b. Result in substantial soil erosion or the loss of topsoil? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** No construction or physical changes to the environment are proposed or anticipated. As such, approval of the ordinance revision would not result in soil erosion or the loss of topsoil.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** No construction or physical changes to the environment are proposed or anticipated. As such, approval of the ordinance revision would not cause on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse. Therefore, the proposed project would have no impacts related to unstable geologic units or soils.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** According to the 2002 adopted Safety Element of the City's General Plan the project site is underlain by alluvial material from the San Gabriel Mountains. This soil consists primarily of sand and gravel and is in the low to moderate range for expansion potential. Regardless, the proposed project consists of a revision to the City's Adult Business regulations that governs the interior operations of adult businesses. No development or physical changes to the environment are proposed or anticipated. Therefore, the proposed project would have no impacts related to expansive soil.

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The City is served by a sewer system and all development projects are required to connect to this system. Therefore, soil suitability for septic tanks or alternative wastewater disposal systems is not applicable in this case, and the proposed project would have no associated impacts.

**10. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (A – D)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses. No physical changes in the environment are expected to result from the proposed ordinance and the proposed ordinance would not affect any local, state, or federal regulations governing hazardous materials. Therefore, the proposed project would cause no impacts related to the transport, use, or disposal of hazardous materials; upset or accident conditions involving the release of hazardous materials; the emission or handling of hazardous materials in the vicinity of schools; or hazardous materials sites compiled pursuant to Government Code Section 65962.5;

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (E – F)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would cause no hazards related to placing people or structures within the vicinity of an airport, airport land use plan, or private airstrip.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not impair implementation of any emergency response or evacuation plans.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, and the project would have no associated impacts.

**11. HYDROLOGY AND WATER QUALITY.** Would the project:

a. Violate any water quality standards or waste discharge requirements? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on-or off-site? ( )

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f. Otherwise substantially degrade water quality? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (A – F)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not 1) cause a violation of any water quality standards or waste discharge requirements; 2) deplete groundwater supplies or interfere with groundwater recharge; 3) alter drainage patterns; 4) create runoff; or 5) degrade water quality.

g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or dam inundation area as shown in the City of Pasadena adopted Safety Element of the General Plan or other flood or inundation delineation map? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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**WHY? (G - I)** No portions of the City of Pasadena are within a 100-year floodplain identified by the Federal Emergency Management Agency (FEMA). As shown on FEMA map Community Number 065050, the entire City is in Zone D, for which no floodplain management regulations are required. The City's General Plan identified dam inundation zones for Devil's Gate Dam and Eaton Wash Dam. Regardless, the proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance.

j. Inundation by seiche, tsunami, or mudflow? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The City of Pasadena is not located near enough to any inland bodies of water or the Pacific Ocean to be inundated by either a seiche or tsunami. For mudflow see responses to 9. Geology and Soils a. iii and iv regarding seismic hazards such as liquefaction and landslides.

**12. LAND USE AND PLANNING.** Would the project:

a. Physically divide an existing community? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not divide an existing community and would cause no related impacts.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. The project does not include any change to the separation requirements between adult uses and any other land use, or change to any other land use regulations of adult businesses. No conflicts with land use plans, policies, or regulations are proposed or anticipated.

c. Conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP)? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** Currently, there are no adopted Habitat Conservation or Natural Community Conservation Plans within the City of Pasadena. There are also no approved local, regional or state habitat conservation plans.

**13. MINERAL RESOURCES.** Would the project:

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not result in the loss of availability of any mineral resources.

**14. NOISE.** Will the project result in:

a. *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ( )*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (A – D)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would not 1) expose persons to, or generate noise levels in excess of established standards; 2) expose persons to vibrations or generate vibrations; 3) permanently increase ambient noise levels; or 4) temporarily or periodically increase ambient noise levels.



Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (E – F)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed ordinance revisions would cause no noise impacts related to placing people or structures within the vicinity of an airport, airport land use plan, or private airstrip.

**15. POPULATION AND HOUSING.** Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY?** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. Therefore, the proposed project would not induce population growth and would have no related impacts.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**WHY? (B and C)** The proposed modifications to the City's Adult Business regulations apply to the interior operations of adult businesses and no physical changes in the environment are expected to result from the proposed ordinance. No displacement of housing or residents is proposed or expected.

**16. PUBLIC SERVICES.** Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: