

ATTACHMENT A

PLANNING COMMISSION RECOMMENDED FINDINGS FOR ZONING CODE TEXT AMENDMENT

Prior to the approval of a Zoning Code Text Amendment, the following findings must be made:

1. *The proposed amendment is in conformance with the goals, policies and objectives of the General Plan.*

The proposed amendments to the Zoning Code are consistent with the goals and policies of the General Plan as follows:

Land Use Element

- Goal 3. Compatible Land Uses. A mix and distribution of land uses characterized by their compatibility.
 - Policy 3.1 (High-Impact Uses). Avoid the concentration of uses and facilities in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character, safety, health, and quality of life.
 - Policy 3.6 (Non-Conforming Uses). Encourage the replacement of non-conforming uses to achieve groupings of compatible uses that conform to the current zoning standards.
- Goal 4. Elements Contributing to Urban Form. A safe, well-designed, accessible City with a diversity of uses and forms. These diverse forms include distinct, walkable districts, corridors, and transit and neighborhood villages and cohesive, unique single and multi-family residential neighborhoods and open spaces where people of all ages can live, work, shop, and recreate.
 - Policy 4.1 (Sustainable Urban Form). Provide an overall pattern of land uses and densities that encourages sustainable development; offers convenient alternatives to auto travel; ensures compatibility among uses; enhances livability and public health; sustains economic vitality; and reduces air pollution, greenhouse gas emissions, and energy consumption.
 - Policy 4.10 (Architecture that Enhances). Locate and design buildings to relate to and frame major public streets, open spaces, and cityscape. New development at intersections should consider any number of corner treatments, and should balance safety and accessibility concerns with the vision of the area and the need for buildings to engage the street and create a distinct urban edge.
 - Policy 4.11 (Development that is Compatible). Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy,

automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.

- Goal 5. Pedestrian-Oriented Places. Development that contributes to pedestrian vitality and facilitates bicycle use in the Central District, Transit Villages, Neighborhood Villages, and community corridors.
 - Policy 5.2 (Pedestrian-Oriented Development). Require buildings in the Central District, Transit Villages, Neighborhood Villages, and along corridors specified by the adopted specific plans to be located along the street/sidewalk and designed to promote pedestrian activity. This can be accomplished by incorporating transparent facades, small plazas, and dining areas; while locating parking to the rear or underground and placing primary entries on the street.
- Goal 25. Vital Districts and Corridors. Diverse, active, prosperous, and well-designed commercial corridors and districts that provide a diversity of goods, services, and entertainment and contribute to a positive experience for residents and visitors.
 - Policy 25.7 (Buffering Adjoining Residential Areas). Ensure commercial uses adjoining residential neighborhoods or mixed residential and commercial uses are designed to be compatible with each other.

The Land Use Element contains numerous goals and policies that prioritize compatibility of land uses, pedestrian-orientation, vitality in commercial corridors, and a high quality urban form that is accessible to all. Specifically, Goal 3 emphasizes the importance of avoiding an overconcentration of uses that may adversely impact the character, safety, health, and quality of life of neighborhoods, and speaks to the desire to reduce the prevalence of nonconforming uses. The proposed Amendments eliminate the appeals process for uses subject to amortization, and clarify definitions, making it easier to identify sexually oriented businesses and thereby avoid overconcentration. Furthermore, the clarification of definitions addresses issues related to the types of products that are typically sold at sexually oriented businesses, which directly relates to the visibility of such products from the street. These changes will result in more pedestrian-oriented building frontages that feature transparency and product displays appropriate for pedestrians of all ages. Overall, the amendments will result in clearer regulations that can be more efficiently enforced, resulting in increased compatibility of uses, improved urban form, and more pedestrian-oriented corridors and districts.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*

The City has previously recognized that sexually oriented businesses, as a category of businesses, have negative secondary effects and that both licensing and zoning regulations are necessary to prevent or minimize these deleterious effects on the community. The City's 2006 licensing and zoning ordinances were supported by extensive secondary effects documentation regarding a wide variety of sexually oriented businesses.

The Amendments update the City's reliance on evidence of those adverse impacts, and adds new judicial decisions, reports, and studies that have emerged since 2006. These materials document the efforts of businesses specializing in erotica to avoid regulation as sexually

oriented businesses while retaining their essentially “adult” nature. Newer reports also complement recognized secondary effects while explicating the harms associated with human and sexual trafficking. Updating the secondary effects evidence relied upon by the City supports the regulation of sexually oriented businesses and enhances the defensibility of the regulations. Attachment C includes an Index to Legislative Secondary Effects Documentation which sets forth the evidence relied on for the Amendments.

The proposed amendments are consistent with numerous policies in the Land Use Element of the General Plan. They will result in more effective regulation of sexually oriented businesses by clarifying definitions and updating procedures for addressing nonconforming uses with the goal of reducing the negative secondary effects associated with such uses on the community. For these reasons, the amendments will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.