



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: AUGUST 7, 2006

FROM: CITY ATTORNEY

SUBJECT: AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE PROCESSING AND APPROVAL OF
ADULT BUSINESS USE APPLICATIONS IN THE CITY OF PASADENA

TITLE OF THE PROPOSED ORDINANCE:

AN INTERIM ORDINANCE OF THE CITY OF PASADENA TEMPORARILY
PROHIBITING THE PROCESSING AND APPROVAL OF ADULT BUSINESS USE
APPLICATIONS

PURPOSE OF ORDINANCE

This proposed ordinance will put in place a 45 day moratorium which would prohibit the processing and approval of adult business use applications in the City of Pasadena.

REASON WHY LEGISLATION IS NEEDED

The City's current adult business use regulations have been in place for more than 10 years. Since their adoption, numerous court cases have been decided by both State and Federal courts which have interpreted such adult business use regulations. The City has received inquiries regarding the establishment of adult business uses within the City. During the moratorium the City will review its adult business use regulations to ensure that they are consistent with current law.

Government Code Section 65858 authorizes the City Council to establish a moratorium by way of an ordinance.

FISCAL IMPACT

Costs associated with this proposed ordinance are limited to staff time and will be absorbed by the existing budget.

MEETING OF 08/07/2006

AGENDA ITEM NO. 9.A.3.

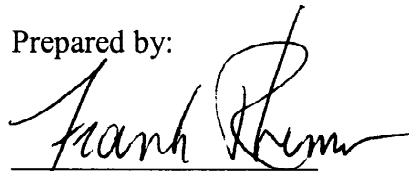
ENVIRONMENTAL IMPACT

This project is statutorily exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines Section 15262, Feasibility and Planning Studies.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


FRANK RHEMREV
Assistant City Attorney

Concurrence:


CYNTHIA KURTZ
City Manager

Introduced by Councilmember _____

ORDINANCE NO.

**AN INTERIM ORDINANCE OF THE CITY OF PASADENA TEMPORARILY
PROHIBITING THE PROCESSING AND APPROVAL OF ADULT BUSINESS USE
APPLICATIONS**

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element of the General Plan and has adopted the Pasadena Zoning Code; and

WHEREAS, the stated purposes of the Zoning Code include the provision of standards for the orderly development of the City and continue a stable pattern of land uses and the promotion of the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses; and

WHEREAS, the City has received inquiries regarding the establishment of adult business uses within the City; and

WHEREAS the City’s current adult business use regulations are more than 10 years old and numerous Federal and State court decisions have been decided in that period of time which have interpreted local adult business use regulations; and

WHEREAS, the City wishes to ensure that its adult business use regulations are in conformity with the current state of the law and the City will review its current adult business use regulations and draft recommended amendments if necessary to insure consistency and conformity with existing law.

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, or welfare in that without a moratorium, applications for adult business uses

can be processed and be approved or denied which would result in impacts inconsistent with the goals of the Land Use Element; and

WHEREAS, pursuant to section 65858 of the California Government Code, the City Council may, in order to protect the public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with the contemplated adult business use regulations that the City Staff is studying.

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

SECTION 1. This interim ordinance is an urgency measure pursuant to Government Code Section 65858 and is for the purpose of protecting the public safety, health, and welfare and is being adopted to prohibit the processing and approval of adult business use applications in the City. This ordinance will establish a moratorium for 45 days from the date of adoption of the ordinance on the processing and approval of adult business use applications in the City.

SECTION 2. The provisions of this ordinance to temporarily prohibit processing and approval of adult business use applications shall apply to any zone in the City of Pasadena.

SECTION 3. Notwithstanding any provision of the Pasadena Municipal Code, no adult business use shall be established within the City during the moratorium and no building permit, use permit, certificate of occupancy, or the like shall be issued for any adult business use.

SECTION 4. Unless extended pursuant to Section 65858 of the California Government Code, this ordinance shall expire at the end of the 45 day period following its date of adoption.

SECTION 5. 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.

SECTION 6. The City Council hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance hereby adopted, be declared for an 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 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect upon publication, and shall be in effect for 45 days for the date of adoption in accordance with 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 _____, 2006 by the following vote:

AYES:

NOES:

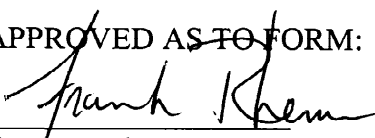
ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Frank L. Rhemrev
Assistant City Attorney