

**ATTACHMENT 3  
NEGATIVE DECLARATION**



City of Pasadena  
Planning Division  
175 N. Garfield Avenue  
Pasadena, California 91101-1704

## NEGATIVE DECLARATION

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PROJECT TITLE: Municipal Code Revisions for Adult Businesses

PROJECT APPLICANT: City of Pasadena

PROJECT CONTACT PERSON: John Poindexter, Planning Manager

ADDRESS: 175 North Garfield Avenue, Pasadena, CA 91101

TELEPHONE: (626) 744-4009

PROJECT LOCATION: The proposed revisions to the Pasadena Municipal Code (PMC) would apply city-wide in the City of Pasadena, Los Angeles County, California. 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.

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PROJECT DESCRIPTION: The proposed project consists of revisions to the Pasadena Municipal Code (PMC) regarding adult business. The proposed revisions include the following:

- Modify § 17.50.030 of the Zoning Code to change the required distance between adult uses and sensitive uses, as well as between two adult uses (including an adult use and an alcohol use)
- Modify § 17.50.030 to eliminate non-locational criteria and the expressive use permit requirement for adult businesses, making adult uses permitted as of right subject to objective criteria (district and setback requirements)
- Create new Municipal Code Chapter (5.45, subject to change) to comprehensively regulate adult businesses as follows:
  - Set forth purpose and findings related to regulation of adult uses

- Set forth updated definitions for adult uses and regulations related thereto
- Set forth licensing requirements and criteria (including being located in a permitted location) for adult businesses and their employees
- Set forth annual licensing fees for adult businesses and their employees
- Provide for administrative inspections of the public areas of adult businesses during business hours
- Set forth standards for license suspensions and revocations
- Set forth procedures for hearings related to license denials, suspensions, and revocations
- Prescribe hours of operation (similar to the present § 17.50.030)
- Prescribe configuration and cleaning requirements for peep show booths
- Prescribe no-loitering requirement and standards for exterior lighting and monitoring
- Prescribe penalties for violation
- Set forth grace period for current adult businesses to meet interior configuration requirements
- Detail prohibited conduct, including:
  - Prohibit nudity on the premises of sexually oriented businesses
  - Regulate semi-nudity by requiring semi-nude conduct to occur on a stage at least 6 feet removed from all patrons, in a room of at least 1,000 square feet, and within a direct line of sight from a fixed manager's station
  - Prohibit any person who regularly appears in a state of nudity from touching a patron or the clothing of a patron
- Set forth scienter requirement for violations of Chapter 5.45
- Provide for severability
- Provide for repeal of conflicting code provisions (see below)

- Establish effective date
- Modify Article 8 of the Zoning Code so that adult business definitions comport with those in the new Chapter 5.45
- Eliminate the following Code provisions because they would duplicate or conflict with the new Chapter 5.45:
  - Chapter 5.52 (dealing with nude or semi-nude model studios)
  - Chapter 5.73 (dealing with picture arcades)

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FINDING

On the basis of the initial study on file in the Current Planning Office:

The proposed project COULD NOT have a significant effect on the environment.

The proposed project COULD have a significant effect on the environment, however there will not be a significant effect in this case because the mitigation measures described in the Mitigation Monitoring Program on file in the Planning Division Office were adopted to reduce the potential impacts to a level of insignificance.

The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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Completed by: John Bellas  
 Title: Consulting Environmental Planner  
 Date: October 30, 2006

Determination Approved: *Jennifer Day Smith*  
 Title: Sr. Planner  
 Date: 11/2/06

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PUBLIC REVIEW PERIOD: October 16, 2006 – November 8, 2006

COMMENTS RECEIVED ON DRAFT:  Yes  No

INITIAL STUDY REVISED:  Yes  No

**ATTACHMENT 4**  
**De MINIMIS IMPACT FINDING**



## CALIFORNIA DEPARTMENT OF FISH AND GAME

### CERTIFICATE OF FEE EXEMPTION: DE MINIMIS IMPACT FINDING

**Project Title/Location:** Municipal Code Revisions for Adult Businesses

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**Project Applicant:** City of Pasadena, 175 North Garfield Avenue, Pasadena, CA 91101


**Project Description:** The proposed project consists of revisions to the Pasadena Municipal Code (PMC) regarding adult business. The proposed revisions include the following:

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  - Set forth purpose and findings related to regulation of adult uses
  - Set forth updated definitions for adult uses and regulations related thereto
  - Set forth licensing requirements and criteria (including being located in a permitted location) for adult businesses and their employees
  - Set forth annual licensing fees for adult businesses and their employees
  - Provide for administrative inspections of the public areas of adult businesses during business hours
  - Set forth standards for license suspensions and revocations

- Set forth procedures for hearings related to license denials, suspensions, and revocations
- Prescribe hours of operation (similar to the present § 17.50.030)
- Prescribe configuration and cleaning requirements for peep show booths
- Prescribe no-loitering requirement and standards for exterior lighting and monitoring
- Prescribe penalties for violation
- Set forth grace period for current adult businesses to meet interior configuration requirements
- Detail prohibited conduct, including:
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  - Regulate semi-nudity by requiring semi-nude conduct to occur on a stage at least 6 feet removed from all patrons, in a room of at least 1,000 square feet, and within a direct line of sight from a fixed manager's station
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- Set forth scienter requirement for violations of Chapter 5.45
- Provide for severability
- Provide for repeal of conflicting code provisions (see below)
- Establish effective date
- Modify Article 8 of the Zoning Code so that adult business definitions comport with those in the new Chapter 5.45
- Eliminate the following Code provisions because they would duplicate or conflict with the new Chapter 5.45:
  - Chapter 5.52 (dealing with nude or semi-nude model studios)
  - Chapter 5.73 (dealing with picture arcades)

**Findings of Exemption:** The project will not 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 (CDFG) or the U.S. Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFG or USFWS; have a substantial adverse effect on 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; 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or; conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**Certification:** I hereby certify that the Lead Agency has made the above findings of fact and that based upon the Initial Study and public hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
Denver E. Miller

Title: Environmental Administrator  
Lead Agency: City of Pasadena  
Planning and Development Department  
Date: 11-2-06