

REASON WHY LEGISLATION IS NEEDED

Additional staff time is required to study the secondary effects of massage establishments, and whether a distance requirement between massage establishments and like uses, and a distance requirement between massage establishments and residential zones, are necessary to protect residential zones from such secondary effects.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the moratorium.

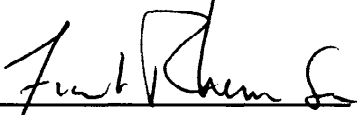
FISCAL IMPACT

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

ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to State CEQA Guidelines Section 15262, because the ordinance involves only feasibility or planning studies for possible future actions 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.

Respectfully submitted,



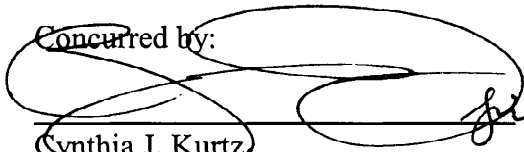
Michele Beal Bagneris
City Attorney

Prepared by:



Frank Rhemrev
Assistant City Attorney

Concurred by:



Cynthia J. Kurtz
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF MASSAGE PERMITS PURSUANT TO TITLE 17 OF THE PASADENA MUNICIPAL CODE

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, the City Council of the City of Pasadena has expressed concern regarding actual and potential prostitution activity at massage establishments in the City, and the secondary effects such illegal activity may have on residentially zoned neighborhoods, particularly since there is no distance requirement between massage establishments and residentially zoned neighborhoods in the City’s Zoning Code; and

WHEREAS, there is no First Amendment protected right conferred upon massage establishments; and

WHEREAS, further regulation of massage establishments may reduce the potential for secondary effects commonly associated with such businesses on nearby residential areas; 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, a massage establishment could be granted the required permit, or an overconcentration of massage establishments could occur, within the City

without full protection to residential zones from the potential secondary effects of massage establishments; and

WHEREAS, on April 30, 2007 the City Council adopted Ordinance No. 7096, an INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF MASSAGE ESTABLISHMENT PERMITS PURSUANT TO TITLE 17 OF THE PASADENA MUNICIPAL CODE (“Interim Urgency Ordinance”); and

WHEREAS, during the initial effective period of the Interim Urgency Ordinance, the Planning and Development Department undertook a review of its land use regulations and studied whether distance requirements between massage establishment and residential zones may reduce the secondary effects commonly associated with massage establishments on the residential neighborhoods that may necessarily be in very close proximity, and undertook a planning study to map locations and their potential impacts, however the Planning and Development Department concluded that it needs additional time to complete its study, choose, and then implement a solution; and

WHEREAS, the City Council continues to find that there is a current and immediate threat to the public health, safety and welfare because, without the extension of the moratorium, a massage establishment could be granted the required permit, or an overconcentration of massage establishments could occur, within the City, without full protection to residential zones from the potential secondary effects of massage establishments; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may extend the Interim Urgency Ordinance for a period of up to 10 months and 15 days.

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

SECTION 1. The provisions of this ordinance extend the temporary prohibition on the issuance of massage establishment permits pursuant to Title 17 of the Pasadena Municipal Code.

SECTION 2. During the effectiveness of this ordinance, the City will continue its review of its land use regulations and study whether a distance requirement between massage establishments and residential zones may reduce the secondary effects commonly associated with massage establishments on the residential neighborhoods they may necessarily be in very close proximity, 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 10 month and 15 day extension period following its date of adoption. The City may cause this ordinance to expire at an earlier time if possible.

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 development.

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 in full text.

SECTION 7. This ordinance shall take effect upon publication, and shall remain in effect for a period of 10 months and 15 days from the date of adoption.

Signed and approved this _____ day of _____, 2007.

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:

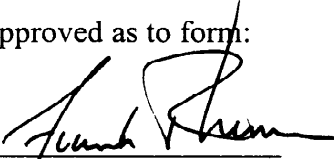
ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney

TEF Ordinances/Resolutions: Urgency ordinance extension