THE ATTACHED INITIAL STUDY IS THE FINAL VERSION
ACTED UPON BY THE CITY OF SAN BUENAVENTURA
CITY COUNCIL ON AUGUST 7, 2017.
1.0 PROJECT INFORMATION

1. Project Title: Ordinance Amending Chapter 24.492 Regulating Locational Criteria and Zoning for Adult Businesses, City of San Buenaventura

2. Case Numbers: PROJ-11483, OA-4-17-39851, EIR-4-17-39852

3. Lead Agency: City of San Buenaventura  
501 Poli Street  
Ventura, CA 93001

4. Contact Person: Dave Ward, AICP, Planning Manager  
(805) 654-7893  
dward@ci.ventura.ca.us

5. Project Location: Citywide in the M-1 and M-2 zones

6. Project Sponsor Name and Address: City of San Buenaventura  
501 Poli Street  
Ventura, CA 93001

7. General Plan Designation: Industry

8. Zoning: M-1 and M-2

9. Project Description: The City of San Buenaventura (“City” or “San Buenaventura”) has certain provisions found in Chapter 24.492 relating to locational criteria including zoning and buffer requirements for adult businesses that are in need of refinement. The City is proposing to amend Chapter 24.492 to add, refine and update the provisions relating to planning and zoning standards for adult businesses operating within San Buenaventura. Due to the physical and land use constraints of the City of San Buenaventura, the Ordinance proposes that adult businesses continue to be allowed only in the M-1 and M-2 zones, along with (1) a 500-foot separation requirement between adult businesses and certain sensitive uses (i.e., schools, parks, religious institutions, day care facilities, and residential zones) and (2) a 200-foot separation requirement between any legally established adult businesses.
The proposed ordinance retains the existing restriction of adult business to the M-1 and M-2 zones. The only revisions to existing requirements set forth in the proposed ordinance is the identification and definitions of sensitive uses they reflect as those that have been judicially recognized.

2.0 BACKGROUND

The City of San Buenaventura initially adopted the zoning and locational regulations for adult businesses found in Chapter 24.492 of the Municipal Code in 1994. Since then, there have been various modifications to the City’s zoning and general plan. In addition, the body of case law that governs regulation of adult businesses has evolved significantly in the last twenty (20) plus years.

As a result, the City initiated a comprehensive review of its regulations for adult businesses. In the fall of 2015, the City Council adopted Ordinance Nos. 2015-009 and 2015-012 regulating the permitting and operating standards of adult businesses. The review and proposed revisions of zoning and locational criteria for adult businesses completes the City’s comprehensive review of its regulatory provisions of this type of business.

The purpose and intent of the proposed amendments to the Municipal Code are to:

1) Mitigate and reduce the judicially recognized potential adverse secondary effects of adult businesses including, but not limited to, crime, the prevention of blight in neighborhoods, and the increased spread of sexually transmitted diseases;

2) Protect quality of life and neighborhoods in the City, the City’s retail and commercial trade, and local property values, and minimize the potential for nuisances related to the operation of adult businesses;

3) Protect the peace, welfare and privacy of persons who own, operate and/or patronize adult businesses; and

4) Minimize the potential for nuisance related to the operation of adult businesses.

Adult businesses, such as adult bookstores, adult videos stores, and adult cabarets, engage in activities recognized as protected speech under the First Amendment of the United States Constitution. As providers of protected First Amendment speech, the courts have uniformly ruled that adult businesses cannot be prohibited by local municipalities. Local municipalities can, however, regulate adult businesses.

Zoning and locational criteria are a legitimate and reasonable means of regulating adult businesses. There are two generally accepted approaches to regulating the location of adult businesses – (1) the “dispersal” method and (2) the “concentration” method. With the dispersal method, adult businesses are buffered a set distance from various sensitive land uses (i.e., parks, schools, residential zones) and from other adult businesses. With the concentration method,
adult businesses are all located in one area such as what is known as the “combat zone” in Boston. The proposed ordinance represents a continuation of the dispersal method.

### POTENTIAL SITES FOR THE LOCATION OF ADULT BUSINESSES

The proposed ordinance would continue the existing restriction of adult businesses to the M-1 and M-2 zones (see maps 1 and 2). To identify the number of sites where an adult-business could be located under the proposed ordinance, a detailed analysis of all properties within the M-1 and M-2 zones was undertaken to identify M-1/M-2 zoned properties that would (1) meet the locational requirements of the proposed ordinance, and (2) also meet the criteria established by the U.S. Ninth Circuit Court of Appeals in *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (9th Cir. 1993). *Topanga Press* set out criteria for determining whether sites would be available in the “relevant commercial market” and could therefore be considered to be available for adult business use by examining the following:

- Is there a genuine possibility that the site is potentially available? In other words, is it reasonable to believe that [the site] would ever become available to any commercial enterprise?
- Is the site commercially zoned?
- If the site is in a manufacturing zone:
  - Is it reasonably accessible to the general public?
  - Does it have proper infrastructure such as sidewalks, road and lighting?
  - Can it serve a generic commercial purpose such as retail or places of assembly?

Based on a detainted analysis of all properties within the City currently zoned M-1 or M-2, each Assessor’s Parcel that would meet the locational criteria of the proposed ordinance, as well as relevant *Topanga Press* criteria was identified (see maps 3, 4a, 4b, 4c1, and 4c2). The number of sites available for adult business use for each Assessor’s Parcel was identified as follows:

- Vacant Assessor’s Parcel meeting applicable locational and *Topanga Press* criteria = 1 site
- Assessor’s Parcel with one single user building meeting applicable locational and *Topanga Press* criteria = 1 site
- Assessor’s Parcel with a multiple single user buildings meeting applicable locational and *Topanga Press* criteria = 1 site per building
- Assessor’s Parcel with one or more multi-tenant buildings = 1 site per unit meeting applicable locational and *Topanga Press* criteria

Based on these criteria, it was determined that 376 sites would comply with the locational criteria set forth in the proposed ordinance and would also meet relevant *Topanga Press* criteria (see Table A). The majority of these sites consist of individual units within multi-tenant commercial and industrial developments. Thus, the number of individual parcels meeting the locational criteria of the proposed ordinance is far less than 376.
3.0 ENVIRONMENTAL SETTING

Sites meeting the locational requirements of the proposed adult business ordinance are located along Stanley Avenue, and in the Arundell district of the City of Ventura (see Figures 4a, 4b, 4c1, and 4c2). These areas are zoned for industrial use, and are characterized by a mix of small-scale industrial uses, business park development, and commercial uses.

Of the sites meeting the locational requirements of the proposed ordinance, only two parcels have not been previously developed, both of which are currently being used for truck and vehicle storage. There is no existing agricultural use of any of the sites. Sites meeting the locational criteria set forth in the proposed ordinance along Palma Drive north of Olivas Park Drive are adjacent to existing agricultural uses to the west and east in the County of Ventura.

Any future site-specific development on a parcel meeting the locational requirements of the proposed ordinance would be subject to City review of the site and proposed physical development. Such future development would also be required to meet applicable City development standards, as well as CEQA requirements per City Resolution and CEQA Guidelines.
Available Sites After Buffering

Legend

- City Boundary
- Schools
- Churches
- Child Day Care Businesses
- 500' Sensitive Use Buffer
- M1/M2 Parcels

Map Generated on 13 March 2017
### 4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factor(s) checked below would be affected by the proposed project, resulting in at least one impact that is a “Potentially Significant Impact” as indicated by the checklist and discussion on the following pages.

|---------------------------------------------|------------|------------------------------------|-------------|----------------------|--------------------|-------------------|------------------------|-------------------------------|---------------------------|---------------------|----------------|----------------|-------|--------------------------|----------------|------------|-----------------------------|-----------------------------|-------------------------------|

**DETERMINATION:**

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.

- ☐ 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 revisions in the project have (a) been made by or agreed to by the project proponent or (b) mitigation measures will be implemented that will eliminate or reduce such significant effects to an insignificant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ☐ 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, no further environmental documentation is required.

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David Ward, AICP, Planning Manager
4.0 ENVIRONMENTAL CHECKLIST

<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>4.1 AESTHETICS — Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?</td>
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</table>

Discussion

a) Would the proposed project have a substantial adverse effect on a scenic vista?

Less than Significant. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

General Plan Action 4.36 requires development along US Highway 101, State Route 33, and Olivas Park Drive, among other roadways and highways to “respect and preserve views of the community and its natural context.” Several of the sites meeting the locational requirements of the proposed ordinance would be visible from State Route 33 in the Stanley Avenue area, from US Highway 101 in the western portion of the Arundell area, and from Olivas Park Drive in the eastern portion of the Arundell area. Each of these sites has been previously developed, and any adult business seeking to locate within view of these routes would be required to comply with the following General Plan policies and actions:

- Action 3.2: Enhance the appearance of districts, corridors, and gateways (including views from highways) through controls on building placement, design elements, and signage.
- Policy 4D: “Protect views along scenic routes.”
- Action 4.36: “Require development along the following roadways (US Highway 101 and State Route 33) – including noise mitigation, landscaping, and advertising – to respect and preserve views of the community and its natural context.”
Future development project on either of the two vacant parcels meeting the locational criteria of the proposed ordinance would be subject to site-specific development review, including review of site-specific physical development. All site-specific development on any of the sites meeting the locational requirements of the proposed ordinance would be subject to City Design Review Committee (DRC) review, and would be required to meet all City development standards and CEQA requirements per City Resolution and CEQA Guidelines.

b) **Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

No Impact. None of the sites meeting the locational requirements of the proposed ordinance are located within a state scenic highway corridor.

c) **Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?**

Less than Significant. The City’s entitlement process for all industrial and commercial development includes architectural review through the City’s design review process. Any buildings that would contain a future adult business would require design review approval by the City’s DRC where proposed building mass, color and materials, and landscaping are carefully reviewed, including appropriate design and compatibility with the surrounding streetscape and buildings. If a future adult business were to be located in an existing building with exterior development limited to facade changes, this design review would be conducted by either Community Development Director approval or the DRC, depending on the overall scope of exterior building alterations, to ensure the design is compatible with the streetscape and surrounding buildings. Because the design review process would ensure appropriate site design and compatibility of each site’s surroundings, the impact on visual character and quality would be less than significant. In addition, the locational requirements set forth in the proposed ordinance require separation between adult businesses, as well as required separation from sensitive uses and existing operational requirements for adult businesses adopted in 2015 in Ordinance Nos. 2015-009 and 2015-012 will avoid negative secondary effects on the quality of the adult-business site’s surroundings.

d) **Would the proposed project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?**

Less than Significant. Any proposed adult business will be required under Design Review to provide down cast and shielded lighting in the parking and exterior areas of the building without creating light spillover onto adjoining properties. The proposed ordinance will not
therefore create a new source of substantial light or glare which would adversely affect day or nighttime views.
## Issues:

<table>
<thead>
<tr>
<th>Issues: AGRICULTURAL AND FOREST RESOURCES — Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (b))?</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<tr>
<td>e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
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### Discussion

**a) Would the proposed project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. The proposed ordinance would maintain the existing requirement that adult businesses be located only in the M-1 and M-2 zones subject to the locational criteria of the proposed ordinance. Thus, any adult business in compliance with the proposed ordinance would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use nor would it conflict with existing zoning for agricultural use. The areas within the M-1 and M-2 zones meeting the locational requirements of the proposed ordinance are generally developed with a mixture of light industrial and commercial uses, and are within an urbanized area. Only two parcels meeting the locational requirements of the proposed ordinance are currently vacant, both of
which are being used for truck and vehicle storage. While sites meeting the locational requirements of the proposed ordinance along Palma Drive north of Olivas Park Drive are adjacent to agricultural uses to the west and east in the County of Ventura, the commercial and industrial uses on these sites have not historically had a negative effect on the adjacent agricultural uses. Therefore, the proposed would have no impact on agricultural resources.

b) **Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** The proposed ordinance restricts the location of adult businesses to the M-1 and M-2 zones, which lie within urbanized areas. The only location where sites meeting the locational requirements of the proposed ordinance are located adjacent to lands zoned for agricultural use is along Palma Drive, north of Olivas Park Drive. Lands zoned for agricultural use within unincorporated Ventura County are located to the west and east of sites meeting the locational requirements of the proposed ordinance. The existing industrial and commercial uses on these sites have operated without conflict adjacent to agricultural uses for many years. As a result, no impact is anticipated from the proposed ordinance.

c) **Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (b))?**

**No Impact.** No lands zoned as forest land, timberland, or timberland production are located in proximity to sites meeting the locational requirements of the proposed ordinance. Development of any new adult business would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, nor would it result in loss of forest land or conversion of forest land to non-forest use.

d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** No forest land, timberland, or timberland production are located in proximity to sites meeting the locational requirements of the proposed ordinance.

e) **Would the proposed project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

**No Impact.** See responses “a” and “b,” above.
<table>
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<tr>
<th>Issues:</th>
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<tr>
<td>4.3 AIR QUALITY — Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>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)?</td>
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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e) Create objectionable odors affecting a substantial number of people?</td>
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**Discussion**

**a) Would the proposed project conflict with or obstruct the implementation of the applicable air quality plan?**

**Less than Significant.** The City is located within the Ventura County Air Basin, which is managed by the Ventura County Air Pollution Control District (VCAPCD). Ventura County is a non-attainment area for the 2008 federal 8-hour ozone standard. On February 14, 2017, the VCAPCD adopted the Final 2016 Ventura County Air Quality Management Plan (AQMP), which includes plans and programs for achieving the 2008 federal 8-hour ozone standard.

According to VCAPCD’s October 2003 Air Quality Assessment Guidelines, “projected growth rate in population is used as an indicator of future emissions from population-related emission categories in the AQMP... Therefore, a demonstration of consistency with the population forecasts used in the most recently adopted AQMP should be used for assessing project consistency with the AQMP.”

Because each of the sites meeting the locational requirements for adult business use were zoned M-1 or M-2 as of the date that the AQMP was adopted, the proposed ordinance is consistent with existing population forecasts. Therefore, the proposed ordinance and any development occurring pursuant to the provisions of that ordinance would be consistent with the AQMP.
b) **Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less than significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Long-term air emission impacts would be those associated with changes in permanent usage of a site for an adult business. Mobile source emissions would result from vehicle trips associated with a future adult business and area source emissions would occur with the use of electricity and natural gas at the site.

Resulting construction impacts are considered less than significant due to the short-term nature of the construction, construction equipment is already required to comply with the California Air Resource Board (CARB) regulations, and all construction activity is subject to VCAPCD regulations. In addition, any development occurring pursuant to the proposed ordinance would involve construction for a single business at a time.

Because all but two of the sites meeting proposed locational criteria have been previously developed, a new adult business is most likely to locate on a site that was previously developed. As a result, any increase in emissions would be negligible. In addition, the construction and operation of a new adult business would have to comply with the same development standards as new industrial buildings in the M-1 and M-2 zones, and would be similar in intensity to the uses currently permitted in those districts.

c) **Would the proposed project 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)?**

**Less than Significant.** See responses in “a” and “b,” above.

d) **Would the proposed project expose sensitive receptors to substantial pollutant concentrations?**

**Less than Significant.** The proposed ordinance sets forth locational criteria to separate adult businesses from residentially zoned properties, schools, and day care facilities. In addition, no hospitals, convalescent homes, or other uses that would involve populations sensitive to pollutant concentrations are located in proximity to sites meeting the locational criteria of the proposed ordinance.
e) Would the proposed project create objectionable odors affecting a substantial number of people?

No Impact. The construction and operation of a new adult business is not expected to result in the creation of objectionable odors. Operation of a new adult business could only result in objectionable odors if the accumulation of debris and trash on the site would occur. To avoid these types of impacts, sites subject to the proposed ordinance are also subject to the provisions of Municipal Code Section 8.205.050, which declares the accumulation of litter on private property to be a public nuisance, and authorizes the City to abate such nuisance.
4.4 BIOLOGICAL RESOURCES — Would the project:

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<thead>
<tr>
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<tbody>
<tr>
<td>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 Wildlife or the U.S. Fish and Wildlife Service?</td>
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<tr>
<td>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 Wildlife or the U.S. Fish and Wildlife Service?</td>
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<td>c) 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?</td>
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<tr>
<td>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?</td>
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<tr>
<td>e) 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?</td>
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<td>f) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?</td>
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<td>g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan?</td>
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</table>

Discussion

a) Would the proposed project 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 Wildlife or the U.S. Fish and Wildlife Service?

No Impact. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation.
from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The proposed ordinance requires that adult businesses be located only in the M-1 and M-2 zones subject to the locational criteria of the proposed ordinance. As described above, the sites addressed in the proposed ordinance are located within an urbanized area. Of the sites meeting the locational requirements of the proposed ordinance, only two parcels have not been previously been developed for industrial or commercial use. Both of these undeveloped sites are currently being used for truck and vehicle storage. If a new adult business was established on one of the two vacant parcels, impacts to biology resources would be less than significant because of the urbanized nature of the area and the fact that biological resources on the two vacant parcels have been disturbed by past agricultural activities and their current use for vehicle storage. In addition, the two parcels are surrounded by existing development, roadways, highways, and railroad tracks, eliminating any biological connectivity.

There are no known species identified as a candidate, sensitive, or special status species; no known wetlands; and no known native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors or native wildlife nursery sites within sites meeting the locational requirements of the proposed ordinance.

b) Would the proposed project 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 Wildlife or the U.S. Fish and Wildlife Service?

No impact. The proposed ordinance requires that adult businesses be located only in the M-1 and M-2 zones subject to the locational criteria of the proposed ordinance. As described above, the sites addressed in the proposed ordinance are located within an urbanized area. Only two of these sites have previously been developed for industrial or commercial use, both of which are within an urbanized area, and have been disturbed by past agricultural activities and their current use for truck and vehicle storage.

There are no known species identified as a candidate, sensitive, or special status species; no known wetlands; and no known native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors or native wildlife nursery sites within sites meeting the locational requirements of the proposed ordinance.

c) Would the proposed project 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?

**No impact.** See responses “a” and “b,” above.

d) **Would the proposed project 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?**

**No impact.** See responses “a” and “b,” above.

e) **Would the proposed project 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?**

**No impact.** See responses “a” and “b,” above.

f) **Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

**No impact.** See responses “a” and “b,” above.

g) **Would the proposed project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan?**

**No Impact.** The City of Ventura does not have any adopted Habitat Conservation, Natural Community Conservation, or other approved local, regional or state habitat conservation plans.
### 4.5 CULTURAL RESOURCES — Would the project:

<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>b)</td>
<td>☐</td>
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<tr>
<td>c)</td>
<td>☐</td>
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<td>☒</td>
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<tr>
<td>d)</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Discussion**

**a) Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

*No Impact.* The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The construction of an adult business within the M-1 or M-2 zone would not cause a substantial adverse change in the significance of a historical resource (as defined in CEQA Guidelines Section 15064.5), because no properties included on the list of sites meeting the locational requirements of the proposed ordinance (Table A) or in proximity to those sites are designated or potentially eligible as historic resources pursuant to the 2005 General Plan EIR, Section 4.5 (Cultural and Historic Resources) pages 4.5-1 through 4.5.18).

**b) Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

*No Impact.* The proposed ordinance will not cause a substantial adverse change in the significant of an archaeological resource (pursuant to CEQA Guidelines Section 15064.5) because all of the sites are currently developed with urban uses or have had the ground surface extensively modified by previous agricultural activities grading, and their current use for truck and vehicle storage.
c) **Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** The proposed ordinance will not cause a substantial adverse change in the significant of an archaeological resource (pursuant to CEQA Guidelines Section 15064.5) because all of the sites are currently developed with urban uses or have had the ground surface extensively modified by previous agricultural activities grading, and their current use for truck and vehicle storage.

In addition, the project will not cause a substantial adverse change on a unique geologic feature, as none are known or anticipated to exist on the sites meeting the locational requirements of the proposed ordinance as discussed in the 2005 General Plan EIR, Section 4.5 (Cultural and Historic Resources) pages 4.5-1 through 4.5.18).

d) **Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?**

**No Impact.** Only two parcels meeting the locational criteria of the proposed ordinance have not been previous developed, both of which have experienced substantial ground disturbing activities and are surrounded by existing development. Thus, no impact related to disturbance of human remains is anticipated. In the unlikely event that human remains are discovered during future physical development, State law sets forth notification requirements and recovery procedures if human remains are discovered during the development process.
Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

4.6 GEOLOGY, SOILS, AND SEISMICITY —
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? ☐ ☐ ☒ ☐

   ii) Strong seismic ground shaking? ☐ ☐ ☒ ☐

   iii) Seismic-related ground failure, including liquefaction? ☐ ☐ ☒ ☐

   iv) Landslides? ☐ ☐ ☒ ☒

b) Result in substantial 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? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☒

Discussion

a) Would the proposed project 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?

   Less than Significant. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.
According to the General Plan EIR the Oak Ridge Fault runs through an area with sites meeting the locational criteria of the proposed ordinance (Figure 4.6-1). However, determination of any specific site that might be selected by a future applicant for an adult business under the proposed ordinance would be speculative as no site-specific applications are proposed as part of this ordinance. Any future project must conform to the California Building Code (CBC) (as amended at the time of building permit approval), as required by law, and would address potential impacts relating to fault rupture and ground shaking. In addition, the 2005 General Plan contains policies that address risks from fault rupture. Action 7.7 requires geotechnical evaluation and mitigation prior to development of any site within an Alquist-Priolo earthquake fault zone or within 100 feet of a potentially active fault.

**ii. Strong seismic ground shaking?**

**Less than Significant.** The City of Ventura is subject to strong ground shaking in a major earthquake, as is common throughout Southern California. General Plan EIR Table 4.6-1 shows the estimated maximum earthquake that may occur due to activity along the most significant faults that could affect the City. In the event of a strong earthquake (magnitude 6.0 to 7.5) originating in southern Ventura County, or a major earthquake (8.0 magnitude) along the San Andreas Fault, damage to many existing structures could be severe and some loss of life could occur.

Any new buildings constructed on sites meeting the locational criteria of the proposed ordinance must conform to the CBC (as amended at the time of permit approval), as required by law. As such, implementation of proposed ordinance would not expose people or structures to potential substantial adverse effect, including the risk of loss, injury or death involving strong seismic ground shaking or seismic related ground failure.

**iii. Seismic-related ground failure, including liquefaction?**

**Less than Significant.** Some sites meeting the locational criteria of the proposed ordinance are also within a Liquefaction Hazard Zone (Figure 4.6-4, 2005 General Plan EIR) and have moderate expansive soils, as identified in Figure 4.6-5 of the General Plan EIR. However, any new buildings constructed on sites meeting the locational criteria of the proposed ordinance must conform to the CBC (as amended at the time of permit approval) as required by law. As such, implementation of proposed ordinance would not expose people or structures to potential substantial adverse effect, including the risk of loss, injury or death involving strong seismic related ground failure or liquefaction.
iv. Landslides?

No Impact. None of the sites meeting the locational criteria of the proposed ordinance are located within the City’s hillside area and would not therefore be subject to landslide hazards.

b) Would the proposed project result in substantial soil erosion or the loss of topsoil?

Less than Significant. All but two of the sites meeting the location criteria of the proposed ordinance have been previously developed with urban uses, and would not need to be graded for an adult business to be established. Thus, for all but two of the sites meeting the locational criteria of the proposed ordinance, no impacts related to erosion would occur. Any new site development on the two vacant sites associated with the proposed ordinance would be required to adhere to existing regulations designed to avoid erosion and loss of topsoil, including implementation of best management practices. Thus, the proposed ordinance would not result in substantial soil erosion or the loss of topsoil.

c) Would the proposed project 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?

Less than Significant. See Response “a-iii,” above. The proposed ordinance provides regulations related to the location of adult businesses within the City. These regulations are in addition to existing state and local building regulations addressing geologic and soils hazards. Development on any of the sites meeting the locational requirements of the proposed ordinance would be required to comply with the CBC, addressing geologic and soils hazards. Therefore, the City’s review process includes safeguards to ensure that projects avoid or reduce impacts related to unstable soils, expansive soils or unstable geologic units to a less than significant level.

d) Would the proposed project 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?

Less than Significant. General Plan Figure 4.6-5 indicates that the sites meeting the locational criteria of the proposed ordinance are subject to low to moderate hazards related to expansive soils. None of the sites meeting the locational criteria of the proposed ordinance would be subject to a high level of hazards.
e) *Would the proposed project 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?*

**No Impact.** Each of the sites meeting the locational criteria of the proposed ordinance is served by the City’s municipal sewer system. No use of septic tanks or alternative wastewater systems would be associated on sites subject to the proposed ordinance.
**Issues:**

<table>
<thead>
<tr>
<th>4.7 GREENHOUSE GAS EMISSIONS — Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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</tbody>
</table>

**Discussion**

**a) Would the proposed project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less than Significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. The determination of the size, number, and emissions of any future adult businesses is speculative as no development is currently proposed.

The South Coast Air Quality Management District (SCAQMD) has adopted quantitative significance thresholds for GHGS. SCAQMD has also convened a GHG CEQA Significance Threshold Working Group, the goal of which is to develop and reach consensus on an acceptable CEQA significance threshold for GHG emissions that would be utilized on an interim basis until CARB or another state agency developed statewide guidance on assessing the significance for GHG emissions under CEQA. In September 2010, the Working Group announced its more recent iteration of the draft thresholds, which recommended a single numerical threshold for all non-industrial projects of 3,000 MT CO₂e/year (Million Metric Tons Carbon Dioxide Equivalent).

The relative size of emissions for adult businesses would be comparable to other uses allowed in the M-1 and M-2 zoning districts, and would be expected to generate equivalent CO₂e per year. Because all but 2 of the sites meeting the locational criteria of the proposed ordinance have previously been developed for industrial and commercial uses, any increase in GHG emissions that might result from the proposed ordinance would be minimal. In
addition, new development on one of the two remaining vacant parcels meeting the locational criteria of the proposed ordinance would not likely generate more than 3,000 MT CO$_2$e/year. As previously noted, future development would be required to meet applicable City development standards, as well as CEQA requirements per City Resolution and CEQA Guidelines. Therefore, GHG emissions impacts would be less than significant.

b) Would the proposed project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?  

Less than Significant. Neither the Ventura County Air Pollution Control District (VCAPCD) nor the City of Ventura has adopted a plan, policy or regulations for the purpose of reducing the emissions of Greenhouse Gases (GHG) to a level that would be considered less than significant under CEQA. Because any increase in GHG emissions that might result from the proposed ordinance would be minimal, the ordinance would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
4.8 HAZARDS AND HAZARDOUS MATERIALS — Would the project:

<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
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</tbody>
</table>

Discussion

a) Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is
possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned M-1 and M-2, subject to buffer area requirements from identified sensitive uses. The adult uses addressed in the proposed ordinance do not generally involve the use, routine transport, or disposal of hazardous materials beyond the use of cleaning and maintenance type products that are used and stored in small quantities, and would not result in a hazardous condition. The locational requirements of the proposed ordinance are in addition to federal, state, and local hazardous materials regulations, including the provisions of Chapter 14.050, Storage of Hazardous Materials, of the Municipal Code. Therefore, the proposed ordinance would not result in significant impacts related to hazards or accident conditions related to the use, transport, or storage of hazardous materials.

b) Would the proposed project 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?

Less than Significant. See Response “a,” above.

c) Would the proposed project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?

No Impact. See Response “a,” above. None of the uses addressed by the proposed ordinance would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

d) Would the proposed project 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?

Less than Significant. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

A check of relevant data sites indicates that there are no currently active cases on any site within or near sites meeting the locational criteria of the proposed ordinance that is included on a list of hazardous materials sites compiled pursuant to Government Code
Section 65962.5. Should an application for an adult business be submitted on an active hazardous materials site be submitted in the future, the City’s review process includes safeguards to ensure that appropriate remediation would be undertaken and completed prior to initiating operations.

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?

No Impact. There is no public use airport within two miles of any site meeting the locational criteria of the proposed ordinance. The closest airport to a site meeting the locational criteria of the proposed ordinance is located approximately miles south in Oxnard. Therefore, there would be no related safety hazards for people working on sites meeting the locational criteria of the proposed ordinance.

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?

No Impact. There are no private airstrips in proximity to any of the sites meeting the locational criteria of the proposed ordinance. The closest airport to a site meeting the locational criteria of the proposed ordinance is located approximately three miles south in Oxnard. Therefore, there would be no related safety hazards for people working on sites meeting the locational criteria of the proposed ordinance.

g) Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant. The proposed ordinance would regulate the location of adult businesses, limiting such uses to areas zoned as M-1 or M-2 on lands already largely developed for industrial and commercial uses. In addition, the proposed ordinance would not alter any roadway patterns or access to sites meeting the locational criteria of the proposed ordinance. In addition, any proposed site-specific development on a site meeting the locational requirements of the proposed ordinance would be subject to the City’s development requirements, which include review by the City’s Police and Fire Departments to ensure the adequacy of emergency access. Therefore, the proposed ordinance would not result in significant impacts related to impairment or interference with an adopted emergency response plan or emergency evacuation plan.

h) Would the proposed project 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?
No Impact. There are no wildland areas in proximity to any of the sites meeting the locational criteria of the proposed ordinance. Therefore, there would be no exposure of people or structures to a significant risk of loss, injury or death involving wildland fires.
### Issues:

<table>
<thead>
<tr>
<th>4.9 HYDROLOGY AND WATER QUALITY —</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Substantially degrade water quality and/or violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies, adversely impact groundwater quality, 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)?</td>
<td>☐</td>
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</tr>
<tr>
<td>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 that would result in substantial on- or off-site erosion or siltation?</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding?</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?</td>
<td>☐</td>
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</tr>
<tr>
<td>f) Provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>h) Place structures within a 100-year flood hazard area that would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<td>☒</td>
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</tr>
<tr>
<td>j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
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</tbody>
</table>
DISCUSSION

a) **Would the proposed project violate any water quality standards or waste discharge requirements?**

**Less than Significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The building standards for development of an adult business use would be the same as other uses allowed in the M-1 and M-2 zoning districts, and would be subject to City requirements for connections to the City’s sewer and stormwater drainage systems. Building and grading permits from the City would be required for any new adult business, and would not be allowed to violate any water quality standards or waste discharge requirements.

b) **Would the proposed project substantially deplete groundwater supplies, adversely impact groundwater quality, or interfere substantially with groundwater recharge?**

**Less than Significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The 2005 General Plan Final EIR estimated the total water available for City use in 2015 to be 28,262 AFY. This number was based on the 2000 Urban Water Management Plan (UWMP). However, the 2010 UWMP, amended in 2011, estimated the total water available for City use to be 22,000 AFY (based on Casitas MWD demands declining from 6,000 to 5,000 AFY). The 2010 UWMP estimated a 6.5% annual water loss (due to leaks in the infrastructure and evaporation). Based on the 2016 Comprehensive Water Resources Report, the total water available for City use in 2016 is estimated to be approximately 21,006 acre feet per year (AFY).

Based on a detailed analysis of the City’s water supply and demand, the City’s 2016 Comprehensive Water Resources Report (2016 CWRR), adopted in June 2016, concluded that the projected 2016 drought water supply numbers are less than the projected water demand numbers. This indicates that if drought conditions of previous years would continue, the City would need to go into mandatory conservation measures and/or pay
penalties for overuse of the City’s water supply sources. The City’s projected 2017 water demand is 17,025 AFY.

All but two of the sites meeting the locational requirements of the proposed ordinance are developed for industrial and commercial uses. Establishment of an adult business use on any of these sites would have minimal effect on water demand, if any. Also, planning level water consumption factors for commercial/retail/industrial/hotel/public institutional uses are the same (265 gallons per day per 1,000 square feet of building area). Thus, establishment of a proposed adult business use on a previously developed site within the M-1 and M-2 zones would not result in an increase in projected citywide water consumption. Neither would establishment of an adult business on one of the two remaining vacant parcels in the M-1 and M-2 zones meeting the locational requirements of the proposed ordinance increase projected citywide water consumption to the extent that citywide water consumption projections account for development on currently vacant land.

The current (normal year) available water supply for the City per the most recent Comprehensive Water Resources Report (2016 CWRR) is 21,006 acre-feet per year (AFY). Drought condition water supply for 2016 is estimated to range from a low of 15,142 AFY to a high of 17,001 AFY. With the current drought conditions, the estimated drought water supply is very close to current water demand in the City. Per the 2016 CWRR the projected 2017 supplies that are drought impacted are 15,142 – 17,001 AFY which is below the project buildout demand projection.

The 2016 CWRR includes information on tightening water supply restrictions. The report also includes estimated total future water demands based on existing water demands (17,025 AFY baseline demand) plus estimated demands for approved development projects (1,360 AFY). The total future water demand (17,025 AFY) estimates do not account for any other recently initiated or pending projects.

The City’s Water Supply Contingency Plan specifies the Six Water Shortage Stages Triggers and Demand Reduction Goals for the delivery of water citywide. Depending on the time that building permits are issued for a new adult business, additional measures may be necessary to comply with the demand reduction goals of the current stage.

In addition to the state mandated drought contingency plan, the City also adopted a "net zero" ordinance in summer 2016 for new development projects that intensify the water demand beyond the existing or designated land use identified in the General Plan and water demand factors adopted by Ventura Water. Also, in lieu fees were adopted by the City in 2016. A new adult business that proposes to occupy an existing building is likely to not trigger net-zero in lieu fees where as a vacant site and new development with new water demand would. Any new adult business would be subject to review for water demand and necessary improvements at the time of permit application. These funds will be collected from new development applicants and combined with other collected fees and Ventura
Water funds to assist in the funding of identified projects that will increase the city’s water supply.

Based on these findings, any new adult business will be evaluated at the time building permits are issued and building permits will be issued contingent upon an adequate water supply being available.

c) **Would the proposed project 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 that would result in substantial erosion or siltation on- or off-site?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. Implementation of the proposed ordinance would not alter the existing drainage patterns or result in substantial erosion or siltation on- or off-site. Any development on sites that were not previously developed would be subject to existing City requirements, including the county MS4 stormwater permit requirements aimed at preventing erosion or siltation from construction sites.

d) **Would the proposed project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, limiting such uses to areas zoned as M-1 or M-2 on lands already largely developed for industrial and commercial uses. Implementation of the proposed ordinance would not alter the existing drainage patterns or result in substantial increases in the amount of surface runoff. Any development on sites that were not previously developed would be subject to existing City requirements, including the county MS4 stormwater permit requirements aimed at preventing on- or off-site flooding.

e) **Would the proposed project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?**

**Less than Significant.** See Response “a,” above.

f) **Would the proposed project provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality?**
**Less than significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Under the proposed ordinance, adult businesses would continue to be regulated by provisions in the Municipal Code related to drainage, including the requirements set forth in Chapter 8.600 (Stormwater Quality Management). In addition, other local and regional requirements related to SWPPPs and WQMPs would continue to apply, as appropriate, to adult business uses. The City’s review process includes safeguards to ensure that projects avoid impacts to water quantity and quality.

**g) Would the proposed project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** The proposed ordinance provides for adult businesses to be located a minimum of 500 feet from residentially zoned properties. As a result, no impacts related to housing within a 100-year floodplain would occur.

**h) Would the proposed project place structures within a 100-year flood hazard area that would impede or redirect flood flows?**

**No Impact.** The sites meeting the locations requirements of the proposed ordinance are not located within a 100-year flood plain. (Figures 4.6.6 and 4.84 in the 2005 General Plan EIR).

**i) Would the proposed project 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?**

**No Impact.** The properties meeting the locational standards of the proposed ordinance are not located within a 100-year flood plain or in an area that has the potential risk of being impacted by flooding due to failure of a levee or dam (Figures 4.6.6 and 4.84 in the 2005 General Plan EIR).

**j) Would the proposed project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?**

**No Impact.** The properties meeting the locational standards of the proposed ordinance are not located within a 100-year flood plain or in an area that has the potential risk of being
impacted by flooding due to seiche, tsunami or mudflow (Figures 4.6.6 and 4.84 in the 2005 General Plan EIR).

<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.10 LAND USE AND PLANNING POLICY — Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with any applicable City land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Conflict with an applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion

a) **Would the proposed project physically divide an established community?**

**No Impact.** The proposed ordinance regulates the location of adult business uses within the M-1 and M-2 zones. In addition, the ordinance provides require separation distances from sensitive uses and other adult uses. The intent of the proposed ordinance is to provide appropriate locations for adult uses that would not conflict with existing uses in the community. As a result, implementation of the proposed ordinance would not physically divide an established community.

b) **Would the proposed project conflict with any applicable City land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** The proposed ordinance provides land use regulations that would mitigate potential adverse secondary effects of adult businesses and protect the quality of life and neighborhoods in the City. The proposed ordinance provides locational standards for adult businesses designed to avoid or minimize potential nuisances and impacts to the environment. Adult business would continue to be regulated by the City’s Municipal Code, including the provisions of Chapter 6.900 specifically setting forth operating regulations for adult businesses, as well as other relevant regional, state and federal regulations.
The standards set forth in Municipal Code Chapter 6.900 are comprehensive in nature to address potential nuisance issues such as security, loitering, litter, lighting, and noise to ensure any future adult businesses operate in a manner to lessen in potential impacts to the immediate surrounding land uses. In addition, the proposed ordinance would be adopted for the purpose of avoiding or mitigating an environmental effect, providing for separation of adult businesses from specifically identified sensitive uses, and would not conflict with existing land use plan, policy, or regulations related to the environment.

c) Would the proposed project conflict with an applicable habitat conservation plan or natural community conservation plan?

**No Impact.** None of the sites meeting the locational criteria of the proposed ordinance are within a habitat conservation plan or natural community conservation plan (2005 General Plan EIR). Therefore, the proposed ordinance would not impact or conflict with any habitat conservation plan or natural community conservation plan, and no impact would occur.
Issues:

4.11 MINERAL RESOURCES — Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion

a) \textit{Would the proposed project result in the loss of availability of a known mineral resource that would be either locally important or of value to the region and the residents of the state?}

\textbf{No Impact.} Sites meeting the locational requirements of the proposed ordinance are not within an area designated as a mineral or aggregate resource, or oil field, or on property important for recovery of mineral resources. All but two of these sites have been previously developed with industrial and commercial uses. Development of the two sites not previously developed would not reduce access to mineral resources (including those that may be of value to the region or state, or locally important) because the sites meeting the locational criteria of the proposed ordinance are not within an area of known mineral resources. Further, the General Plan Final EIR concluded that urban development that is consistent with General Plan would ensure that potential conflicts between future uses and mineral extraction activity would be less than significant. Because the proposed ordinance addressed lands currently designated for Industry and zone M-1 or M-2, no impacts related to mineral resources will result.

b) \textit{Would the proposed project 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?}

\textbf{No Impact.} See Response “a.” above.
## Issues:

<table>
<thead>
<tr>
<th>4.12 NOISE — Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in exposure of persons to, or generation of, noise levels in excess of standards established in the General Plan and/or noise ordinance, or applicable standards of other agencies?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels above levels exiting without the project?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>c) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels exiting without the project?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>d) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or in the vicinity 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 area to excessive noise levels?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the area to excessive noise levels?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

### Discussion

#### a) Would the proposed project result in exposure of persons to, or generation of, noise levels in excess of standards established in the General Plan and/or noise ordinance, or applicable standards of other agencies?

**Less than Significant.** The proposed ordinance provides regulations related to the location of adult businesses that are limited to the M-1 and M-2 zones, including separation of adult businesses from noise-sensitive residentially zoned properties. Compliance with the noise standards set forth in Municipal Code Section 24.470.0301(a), which is enforced by the police department, will avoid generation of noise in excess of established standards.

An adult business would have the potential to increase the ambient noise level in the neighborhood; however, Municipal Code Chapter 6.900 establishes a specific requirement for adult businesses providing live entertainment for uniformed security personnel to be on premises during all hours that the business is open to “maintain the public peace and safety.” Chapter 6.900 also specifically requires that security guards “regularly patrol the parking lot and adjacent outdoor areas of the facility to maintain order therein and prevent...
any illicit or nuisance activity” from 8:00 pm until 30 minutes after the established closing
time of the facility.

b) **Would the proposed project result in exposure of persons to, or generation of,**
excessive groundborne vibration or groundborne noise levels?

**Less than Significant.** The proposed ordinance provides regulations related to the location
of adult businesses that are limited to the M-1 and M-2 zones. Under the proposed
ordinance, adult business would continue to be required to comply with the City’s adopted
noise standards, including Municipal Code Section 24.470.030 1(a), Vibration, which
provides standards for groundborne vibration. Therefore, implementation of the proposed
ordinance would not result in the exposure of persons to, or generation of, excessive
groundborne vibration or groundborne noise levels, and impacts would not occur.

c) **Would the proposed project result in a substantial temporary or periodic increase**
in ambient noise levels in the project vicinity above levels existing without the
project?

**Less than Significant.** The proposed ordinance provides regulations related to the location
of adult businesses that are limited to the M-1 and M-2 zones. In addition, development on
sites meeting the locational criteria of the proposed ordinance must comply with all other
provisions of the Municipal Code related to noise generation during permitted construction
hours and during operation of an adult business. As such, noise levels generated by adult
business will not exceed any adopted standards.

d) **Would the proposed project result in a substantial permanent increase in ambient**
noise levels in the project vicinity above levels existing without the project?

**Less than Significant.** See Responses “a” and “c,” above.

e) **For a project located within an airport land use plan or in the vicinity 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 area to
excessive noise levels?

**No Impact.** There is no public use airport within two miles of any site meeting the locational
criteria of the proposed ordinance. Therefore, there would be no related noise impacts for
people working on sites meeting the locational criteria of the proposed ordinance.

f) **For a project located within the vicinity of a private airstrip, would the project**
expose people residing or working in the area to excessive noise levels?
No Impact. There are no private airstrips in the vicinity of sites meeting the locational criteria of the proposed ordinance. Therefore, there would be no related noise impacts for people working on sites meeting the locational criteria of the proposed ordinance.
### 4.13 POPULATION AND HOUSING — Would the project:

<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in the area, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion**

**a) Would the proposed project induce substantial population growth in an area, either directly or indirectly?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The proposed ordinance does not propose new homes, businesses, roads, or infrastructure. The number of workers at any adult business permitted by the proposed ordinance would not be likely to substantially increase area employment, and therefore would not induce substantial population growth. Conversely, the ordinance includes distance requirements from sensitive uses and other adult uses that would limit the areas where new adult businesses could be located. As a result, implementation of the proposed ordinance would not result in impacts related to growth.

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

**No Impact.** The proposed ordinance regulates the location of adult business uses within the M-1 and M-2 zones which are intended for industrial and commercial uses. The proposed ordinance would not displace housing units or people that might necessitate the construction of housing. Impacts related to population and housing would not occur from implementation of the proposed ordinance.
c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

*No Impact.* See Response “b,” above.
Issues:

4.14 PUBLIC SERVICES—Would the project:

a) Result in substantial adverse physical impacts associated with the provision of 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 following public services:

i) Fire protection?

ii) Police protection?

iii) Schools?

iv) Parks?

v) Other public facilities?

Discussion

i. Would the proposed project result substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?

No Impact. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Adult uses are subject to the City’s development requirements, which include the CBC and reviews from the City’s Fire Department. All of the sites meeting the locational criteria of the proposed ordinance have been previously developed or are surrounded by development of industrial and commercial uses. These sites are served by existing fire stations providing adequate response times. Therefore, the proposed ordinance would not result in impacts related to the need for fire protection services, which would cause a need for new, or physically altered, fire protection facilities.
ii. **Would the proposed project result substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Adult uses are subject to the City’s development requirements, which include the CBC, operational requirements for adult businesses, and reviews from the City’s Police Department. In addition, permits for adult businesses would be reviewed by the City prior to approval to ensure compliance with Municipal Code requirements related to crime prevention, including specific security and operational requirements for adult businesses.

All of the sites meeting the locational criteria of the proposed ordinance have been previously developed or are surrounded by industrial and commercial uses. Therefore, the proposed ordinance would not result in impacts related to the need for police protection services, which would cause a need for new, or physically altered, fire protection facilities.

iii. **Would the proposed project result substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses to areas zoned as M-1 or M-2, including requirements for separation of adult business uses from residentially zone properties and schools. The proposed ordinance would thus not result in a substantial increase in the student population, or otherwise involve school facilities. As a result, impacts related to the need for new, or physically altered, schools would not occur.

iv. **Would the proposed project result substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses to areas zoned as M-1 or M-2, including requirements for separation of adult business uses from residentially zone properties and parks. The proposed ordinance would thus not result in a
substantial increase in the population, or otherwise involve park facilities. As a result, impacts related to the need for new, or physically altered, park facilities would not occur.

v. **Would the proposed project result substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Sites meeting the locational requirements of the proposed ordinance are within areas previously developed with industrial and commercial uses, and are well served by existing public services. Implementation of the proposed ordinance would not result in or require provision of new, or physically altered, public facilities, and no impact would result.
## Issues:

<table>
<thead>
<tr>
<th>4.15 RECREATION— Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility could occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
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### Discussion

**a) Would the proposed project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility could occur or be accelerated?**

*No Impact.* The proposed ordinance would regulate the location of adult businesses. Adult uses would be limited to areas zoned as M-1 or M-2, and would require a minimum of 500-foot separation from parks and residentially zoned properties. The proposed ordinance does not otherwise involve recreation facilities and would not result in a significant increase in the use of existing facilities, such that substantial physical deterioration would occur. In addition, the implementation of the proposed ordinance would not require the construction or expansion of recreation facilities.

**b) Would the proposed project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

*No Impact.* See Response “a,” above.
4.16 TRANSPORTATION AND TRAFFIC —

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit? ☐ ☐ ☒ ☐

b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? ☐ ☐ ☒ ☐

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)? ☐ ☐ ☐ ☒

d) Result in inadequate emergency access? ☐ ☐ ☐ ☒

e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? ☐ ☐ ☐ ☒

Discussion

a) Would the proposed project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Less than Significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

The proposed ordinance does not propose new uses that would induce population growth or result in substantial peak hour traffic volumes, or otherwise conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the City’s circulation system. In addition, proposed adult business uses will be required to comply with applicable roadway and access design requirements as well as pay any
transportation demand fees as part of building permit issuance. Therefore, implementation of the proposed ordinance would not result in impacts related to traffic congestion, conflict with traffic programs, or City performance standards.

b) Would the proposed project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less than Significant. See Response “a,” above.

c) Would the proposed project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

No Impact. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. Any adult business will be required to comply with applicable City requirements for roadway and access design.

d) Would the proposed project result in inadequate emergency access?

No Impact. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. A proposed adult use would be subject to the City’s development requirements, which includes the CBC, and reviews to ensure emergency access on the property and to building(s) is maintained. Therefore, the proposed ordinance would not result in impacts related to inadequate emergency access.

e) Would the proposed project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The proposed ordinance would regulate the location and operation of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. The proposed adult business would be
required to comply with applicable portions of the Municipal Code and General Plan related to transit, bicycle, and pedestrian facilities. The proposed ordinance does not otherwise involve alternative transportation and would not result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.
<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.17 UTILITIES AND SERVICE SYSTEMS — Would the project:</td>
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<tr>
<td>a) Exceed wastewater treatment requirements of the Regional Water Quality Control Board?</td>
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<td>☐</td>
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</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with adopted federal, state, and local statutes or regulations related to solid waste?</td>
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<td>g) Comply with adopted federal, state, and local statutes or regulations related to diversion of wastes from landfills?</td>
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Discussion

a) *Would the proposed project exceed wastewater treatment requirements of the Regional Water Quality Control Board?*

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.
The development standards for development of an adult business would be the same as other uses allowed in the M-1 and M-2 zones, and include compliance with Municipal Code Division 22, Part 2, Sewer Service. As such, establishment of any new adult business could not conflict with applicable wastewater treatment requirements.

b) Would the proposed project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2. Sites meeting the locational requirements of the proposed ordinance are within an urbanized area provided with existing water and wastewater treatment facilities. Because these sites have largely been previously developed with industrial and commercial uses, the construction of new water or wastewater treatment facilities or expansion of existing facilities would not be required.

c) Would the proposed project require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2. Sites meeting the locational requirements of the proposed ordinance are within an urbanized area provided with existing drainage facilities. Because all but 2 of these sites have been previously developed with industrial and commercial uses, the construction of substantial new drainage facilities or expansion of existing facilities would not be required. The building standards for development of an adult business would be the same as for other uses allowed in the M-1 and M-2 zones setting forth requirements for drainage and stormwater (MS4) requirements, either under the prior County MS4 requirements for a new business that would occupy an existing building or the new standards of the updated 2011 County MS4 permit that would apply to new construction.

d) Would the proposed project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**Less than Significant.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. A significant impact would occur if
sufficient domestic and/or fire protection water supply were not available to serve a new adult business.

The 2005 General Plan Final EIR estimated the total water available for City use in 2015 to be 28,262 AFY. This number was based on the 2000 Urban Water Management Plan (UWMP). However, the 2010 UWMP, amended in 2011, estimated the total water available for City use to be 22,000 AFY (based on Casitas MWD demands declining from 6,000 to 5,000 AFY). The 2010 UWMP estimated a 6.5% annual water loss (due to leaks in the infrastructure and evaporation). Based on the 2016 Comprehensive Water Resources Report, the total water available for City use in 2016 is estimated to be approximately 21,006 acre feet per year (AFY).

Based on a detailed analysis of the City’s water supply and demand, the City’s 2016 Comprehensive Water Resources Report (2016 CWRR), adopted in June 2016, concluded that the projected 2016 drought water supply numbers are less than the projected water demand numbers. This indicates that if the drought conditions of recent years continue, the City will need to go into mandatory conservation measures and/or pay penalties for overuse of the City’s water supply sources. The City’s projected 2017 water demand is 17,025 AFY.

All but two of the sites meeting the locational requirements of the proposed ordinance were previously developed for industrial and commercial uses. Establishment of an adult business use on any of these sites would have minimal effect on water demand, if any. Also, planning level water consumption factors for commercial/retail/industrial/hotel/public institutional uses are the same (265 gallons per day per 1,000 square feet of building area). Thus, establishment of a proposed adult business use on a previously developed site within the M-1 and M-2 zones would not result in an increase in projected citywide water consumption. Neither would establishment of an adult business on one of the two remaining vacant parcels in the M-1 and M-2 zones increase projected citywide water consumption to the extent that citywide water consumption projections account for development on currently vacant land.

The stated goal of the City is to deliver a reliable and high quality water supply for customers, even during dry periods. According to the 2016 CWRR, total Citywide water consumption, including demand from development applications for which permits have been granted, was 17,723 AF in 2013, 16,995 AF in 2014, 14,194 AF in 2015, and estimated at approximately 17,025 AFY in 2016 and 17,523 AFY in 2020. Therefore, an adult business would not cause the City’s water demand to exceed the projected supply and groundwater supplies would not be depleted under these estimates, given a non-drought year.

The current (normal year) available water supply for the City per the most recent Comprehensive Water Resources Report (2016 CWRR) is 21,006 acre-feet per year (AFY). Drought condition water supply for 2016 is estimated to range from a low of 15,142 AFY to a
high of 17,001 AFY. With the current drought conditions, the estimated drought water supply is very close to current water demand in the City. Per the 2016 CWRR the projected 2017 supplies that are drought impacted are 15,142 - 17,001 AFY which is below the project buildout demand projection.

The 2016 CWRR includes information on tightening water supply restrictions. The report also includes estimated total future water demands based on existing water demands (17,025 AFY baseline demand) plus estimated demands for approved development projects (1,360 AFY). The total future water demand (17,025 AFY) estimates do not account for any other recently initiated or pending projects.

The 2016 CWRR includes information on tightening water supply restrictions. The report also includes estimated total future water demands based on existing water demands (17,025 AFY baseline demand) plus estimated demands for approved development projects (1,360 AFY). The total future water demand (17,025 AFY) estimates do not account for any other recently initiated or pending projects.

The City’s Water Supply Contingency Plan specifies the Six Water Shortage Stages Triggers and Demand Reduction Goals for the delivery of water citywide. Depending on the time that building permits are issued for a new adult business additional measures may be necessary to comply with the demand reduction goals of the current stage.

In addition to the state mandated drought contingency plan, the City also adopted a “net zero” ordinance in summer 2016 for new development which intensifies the water demand beyond the existing or designed land use identified in the General Plan and water demand factors adopted by Ventura Water, in lieu fees will be collected from development applicants and those funds combined with other collected fees as well as Ventura Water funds to help fund identified projects which will increase the city water supply.

Based on these findings, any new adult business would be evaluated at the time building permits are issued and building permits will be issued contingent upon an adequate water supply being available.

e) Would the proposed project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

No Impact. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. The sites meeting the locational requirements of the proposed
ordinance are within an urbanized area largely previously developed with industrial and commercial uses. As a result, adequate wastewater treatment capacity is available to serve sites meeting the locational requirements of the proposed ordinance.

f) **Would the proposed project be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste?**

**Less than Significant.** The landfills closest to the sites meeting the locational requirements of the proposed ordinance are the Toland Road Landfill and the Simi Valley Landfill. There is currently an available capacity of 350 tons at the Toland Road and Simi Valley Landfills, which are the landfills serving the area. The Simi Valley Landfill is currently projected to close by 2022.

The 2005 General Plan EIR identified a Class I impact for solid waste generation. The 2005 General Plan EIR found that projected growth would increase solid waste sent to landfills by an estimated 84 tons per day by 2025, which was within the currently available daily capacity at Toland Road Landfill. However, the 2005 General Plan EIR concluded that area landfills are projected to close in the 2022-2027 timeframe; therefore, regional waste generation increases could exceed the daily capacity of area landfills. Because the proposed project will be substantially consistent with the General Plan’s goals and policies and impacts related to utilities and service systems that were previously evaluated in the General Plan Final EIR, impacts will be less than significant.

g) **Would the proposed project comply with adopted federal, state, or local statutes or regulations related to diversion of wastes from landfills?**

**No Impact.** The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance. Adult businesses do not generate large volumes of solid waste. In addition, trash collection by EJ Harrison would comply with applicable solid waste diversion requirements.
4.18 MANDATORY FINDINGS OF SIGNIFICANCE

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<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>b) Does the project have impacts that are individually limited, but cumulatively considerable?</td>
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<td>c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?</td>
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Discussion

a) Does the proposed project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less than Significant. The proposed ordinance would regulate the location of adult businesses, which would be limited to areas zoned as M-1 or M-2, and subject to requirements for separation from sensitive uses and other adult businesses. While the proposed ordinance will not directly approve new construction or development, it is possible that an adult business could seek to locate within the City on a site meeting the locational requirements of the proposed ordinance.

Sites meeting the locational requirements of the proposed ordinance located along Stanley Avenue, and in the Arundell district which are characterized by a mix of primarily small-scale industrial uses, business park development, and commercial uses. These areas are mostly built out with very few vacant parcels remaining. Of the sites meeting the locational requirements of the proposed ordinance, only two parcels have not been previously developed. Both of these sites are currently being used for truck and vehicle storage. Given the small number of vacant parcels and the high cost of construction, it is likely that a new adult business would be located in an existing industrial building. If a new adult business was established on one of the two vacant parcels, impacts to biology resources would be less than significant because of the urbanized nature of the area and the fact that biological
resources on the two vacant parcels have been disturbed by past agricultural activities and their current use for vehicle storage. In addition, the two parcels are surrounded by existing development, roadways, highways, and railroad tracks, eliminating any biological connectivity.

b) Does the proposed project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant. The proposed ordinance would regulate the location of adult businesses to mitigate potential adverse secondary effects of these uses and protect the quality of life and neighborhoods in the City. As described throughout this Initial Study, implementation of the proposed ordinance would not result in significant environmental impacts. In addition, adult businesses will comply with the provisions of the Municipal Code, including Municipal Code Section 6.900, as well as local, state and federal regulations aimed to mitigate environmental impacts. Implementation of the proposed ordinance would not result in impacts that are individually limited, but that could be incrementally considerable. There are no other past, current, or probable future projects or proposed ordinances that would combine with the proposed adult business ordinance to result in a cumulatively adverse impact. Therefore, cumulative impacts related to the proposed ordinance would not occur.

c) Does the proposed project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant. The proposed ordinance provides land use regulations that would mitigate potential adverse secondary effects of adult businesses and protect the quality of life and neighborhoods in the City. The proposed ordinance provides location standards to minimize potential nuisances and both direct and indirect impacts to human beings. In addition to the proposed ordinance, adult business would continue to be regulated by the requirements of the Municipal Code, including Municipal Code Section 6.900, and other applicable local, state and federal regulations. The proposed ordinance would be adopted for the purpose of avoiding or mitigating an environmental effect, and would not cause substantial adverse effects on human beings.

5.0 REFERENCES

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