

PLANNING COMMISSION
RESOLUTION NO. 2024-07

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO TITLE FIVE AND TITLE TEN OF THE MODESTO MUNICIPAL CODE PERTAINING TO: PERMITTING AND OPERATING STANDARDS FOR ADULT-ORIENTED BUSINESSES; PERMITTING PROVISIONS FOR ADULT PERFORMERS AND NON-PERFORMERS AT ADULT-ORIENTED BUSINESSES; DEFINITIONS RELATED TO ADULT-ORIENTED BUSINESSES.

WHEREAS, the City of Modesto's Municipal Code is in need of amendment to align with case law and industry best practices related to adult-oriented businesses including for definitions related to adult-oriented businesses found in Title 5, Chapter 9 and Title 10, Chapter 3, Article 3 and permitting and operational standards for adult-oriented businesses found in Title 5, Chapter 9; and

WHEREAS, the Planning Commission takes legislative notice of the full complement of supporting evidence as to the secondary effects of sexually oriented businesses. Accordingly, the Planning Commission makes the findings and enactments in the City Council ordinance accompanying this subject resolution and recommends the same to the City Council; and

WHEREAS, the proposed Ordinance is necessary to improve community safety and quality of life through a combination of prevention and intervention efforts that address safety and its underlying issues; and

WHEREAS, a public hearing was held by the Planning Commission on March 18, 2024, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission, as set forth in the record of its proceedings therein, recommends that the City Council amend Title 5, Chapter 9 and Title 10, Chapter 3, Article 3 of the Modesto Municipal Code concerning adult-oriented businesses; and

WHEREAS, the Planning Commission has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed activity is not a "Project" as defined under section 15378 of the State CEQA guidelines because the adoption of the proposed Ordinance will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action proposed is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because the proposed Ordinance will prevent secondary effects by regulating adult-oriented businesses.

2. The requested changes will result in an orderly planned use of land by continuing to restrict adult-oriented businesses to locations that do not conflict with residential zones or uses, parks, churches, or schools.
3. The requested changes are in accordance with the community's objectives as set forth in the General Plan and any applicable specific plans because the proposed Ordinance will improve community safety and quality of life by reducing secondary effects associated with adult-oriented businesses.
4. The proposed activity is not a "Project" as defined under section 15378 of the State CEQA Guidelines because the adoption of the proposed Ordinance will not result in a physical change to the environment and therefore pursuant to Section 15060(c)(3) of the State CEQA Guidelines the proposed activity is not subject to CEQA.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the amendments to Title Five and Title Ten of the Modesto Municipal Code, as shown in the proposed Ordinance found at Exhibit A, be approved.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the City Council.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 18, 2024, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Black and carried by the following vote:

Ayes:	Birring, Black, Grewal, Russell, Shanks
Noes:	None
Absent:	Silva, Vazquez
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original on file in CEDD

Jessica Hill, Secretary