

# SAN BERNARDINO COUNTY

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

### PROJECT LABEL:

<b>Applicant:</b>	Land Use Services Department
<b>Proposal:</b>	An ordinance to amend Title 8 of the County Code to revise the development standards for adult-oriented businesses, to revise the locational criteria for such businesses, to add a new land use review process to approve an adult-oriented business, to revise the definitions related to adult-oriented businesses; and to amend Title 1 of the County Code to add a new fee for this new review process.
<b>Community:</b>	Countywide
<b>JCS:</b>	L612
<b>Staff:</b>	Jim Squire

**USGS Quad:** All  
**T, R, Section:** Multiple  
**Thomas Bros.:** All  
**Land Use Zoning:** Multiple  
**Overlays:** N/A

### PROJECT CONTACT INFORMATION:

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0187

**Contact person:** Jim Squire, Planner  
**Phone No:** (909) 387-4434

### PROJECT DESCRIPTION:

This project consists of a comprehensive revision of the County's existing regulations for adult-oriented business uses and addresses both licensing and permitting provisions; performance standards for adult facilities and zoning limitations for adult-oriented businesses. The purpose and intent of the proposed amendments to the San Bernardino County Code are to:

- (1) mitigate and reduce the judicially recognized potential adverse secondary effects of adult-oriented businesses, including, but not limited to, crime, blight in neighborhoods, and the increased spread of sexually transmitted diseases;
- (2) protect quality of life and neighborhoods in the County, the County's retail and commercial trade, and local property values, and minimize the potential for nuisances related to the operation of adult-oriented businesses;
- (3) protect the peace, welfare and privacy of persons who own, operate and/or patronize adult-oriented businesses; and
- (4) minimize the potential for nuisance related to the operation of adult-oriented businesses.

To achieve these desired goals, the proposed ordinance establishes reasonable time, place, and manner restrictions on the adult-oriented businesses in the unincorporated areas of San Bernardino County. These are coupled with zoning or locational criteria which are also legitimate and reasonable means of regulating adult facilities. In addition, performance standards are included in the application packet for an adult-oriented business. An applicant must certify that all of these standards have been met in the design and operation of the business. The County's application and review process includes safeguards to ensure that projects avoid impacts to the environment.

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## **ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

San Bernardino County, with a land area of 20,106 square miles, is the largest County in the continental United States. San Bernardino County contains vast undeveloped tracts of land. This vast County consists of three distinct geographic regions - the Valley, the Mountains, and the Desert. These diverse geographies not only vary by terrain, but also in visual and community character. The three areas, combined, encompass all the unincorporated lands within San Bernardino County. The planning regions include the spheres of influence of the incorporated cities.

### **Valley**

The Valley planning region could be defined as all the area within the County that is south and west of the USFS boundaries. The San Bernardino range trending southeast forms the eastern limit of the Valley region, along with the Yucaipa and Crafton Hills. The southern limits of the Valley region are marked by alluvial highlands extending south from the San Bernardino and the Jurupa Mountains.

The Valley region of the County is approximately 60 miles east of the Pacific Ocean and borders Los Angeles, Orange and Riverside counties. It is approximately 50 miles long from west to east and encompasses 500 square miles. It covers only 2.5% of the total County land, but holds approximately 75% of the County's population. Elevations within the Valley region range from about 500 feet on the Valley floor to 1,700 feet in Live Oak Canyon, and to about 5,400 feet in the Yucaipa Hills. Most of the Valley region land is urbanized and incorporated. Incorporated Cities within the Valley region include the following: Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa. Unincorporated Communities within the Valley region include the following: Aqua Mansa, Arrowhead Suburban Farms, Baldy Canyon, Barton Flats, Bloomington, Bryn Mawr, Crafton Hills, Crestmore, Del Rosa, Devore, E. Loma Linda, E. Redlands, East San Bernardino, Fallsvale, Little Mt., Los Serranos, Lytle Creek, Mentone, Mill Creek, Muscoy, N. Fontana, N. Loma Linda N. Rialto, San Antonio Heights, South Montclair, Verdemont, W. Redlands, West Valley/Foothills, and East Valley Corridor (the "Donut Hole" surrounded by Redlands).

### **Mountains**

North of the Valley region is the Mountain region, consisting of the San Bernardino and San Gabriel Mountain ranges. Elevations range from 2,000 feet along the foothills to the 11,502-foot summit of Mount San Gorgonio, the highest peak in Southern California. Of the 872 square miles within this planning region, approximately 715 square miles are public lands managed by state and federal agencies, principally the USFS. The region contains forests, meadows, and lakes.

The San Gabriel Mountains, which extend from Los Angeles County, form the western end of the Mountain region. The San Gabriel Mountains form about one-third of the Mountain region, with the San Bernardino Mountains making up the remainder. The San Bernardino Mountains feature four large lakes (i.e., Big Bear Lake, Silverwood Lake, Lake Arrowhead, and Lake Gregory), and many smaller lakes. The differences in elevation and topography are in part responsible for variations in temperature and precipitation. Of significant importance to the downstream areas of San Bernardino, Riverside and Orange counties are the headwaters of the Santa Ana River, which lie within these mountains.

Big Bear Lake is the only incorporated city within the Mountain region. Unincorporated Communities within the Mountain region include the following: Angelus Oaks, Arrowbear, Arrowhead Woods, Baldwin Lake, Barton Flats, Bear Creek, Big Bear, Blue Cut, Blue Jay, Cedar Glen, Cedarpines Park, Crestline, Erwin Lake, Fawnskin, Forest Falls, Forest Home, Fredalba, Green Valley Lake, Holcomb Valley, Lake Arrowhead, Lake Gregory, Lytle Creek, Mt. Baldy, Oak Glen, Rim Forest, Running Springs, Silverwood, Sky Forest, Sugarloaf, Twin Peaks, Valley of Enchantment, and Wrightwood.

**Desert**

The Desert region, the largest of the three planning regions, includes a significant portion of the Mojave Desert and contains about 93% (18,735 square miles) of the land within San Bernardino County. The Desert region is defined as including all of the unincorporated area of San Bernardino County lying north and east of the Mountain region. The Desert region is an assemblage of mountain ranges interspersed with long, broad valleys that often contain dry lakes. Many of these mountains rise from 1,000 to 4,000 feet above the valleys.

Due to the persistent winds that blow throughout the year, large portions of the desert surface have been modified into a mosaic of pebbles and stones known as desert pavement. A major physical resource of the Desert Planning region is the Mojave River, a critical water source for many of its residents. Among the few rivers that both flow north and do not empty into an ocean, the Mojave River travels north and east away from its watershed in the San Bernardino Mountains. The major part of its over 100-mile length is marked by a dry riverbed that only on occasion reveals the water within it. Except in exceedingly wet years, the Mojave River ends its flow at Soda Dry Lake near Baker.

Much of the area within the Desert region consists of federal lands, including lands administered by the Bureau of Land Management, as well as military bases and national parks. Listed below are the incorporated cities and towns in the Desert region: Adelanto, Apple Valley, Barstow, Hesperia, Victorville, Needles, Twentynine Palms, and Yucca Valley. Unincorporated Communities within the Desert region include: Baker, Baldy Mesa, Black Meadow, Boron, Cadiz Daggett, Earp, El Mirage, Essex, Flamingo Heights, Harvard, Havasu, Helendale, Hinkley, Johnson Valley, Joshua Tree, Kelso, Kramer, Landers, Lenwood, Lucerne Valley, Ludlow, Morongo Valley, Newberry Springs, Oak Hills, Oro Grande, Parker Dam, Phelan, Pinon Hills, Pioneertown, Red Mountain, Rice, Ridge Crest, Rimrock, Searles Valley, Spring Valley Lake, Summit Valley, Sunfair Heights, Trona, Vidal, Wonder Valley, Yermo, and Yucca Mesa.

More detailed descriptions of the environmental/existing site conditions for each of the environmental factors discussed in this Initial Study are included in the Environmental Impact Report that was prepared for the General Plan Update Program that was adopted on March 13, 2007. These descriptions contained in the EIR are incorporated into this Initial Study by reference.

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT
Site	N/A	N/A
North	Multiple	Multiple/ Multiple
South	Multiple	Multiple/ Multiple
East	Multiple	Multiple/ Multiple
West	Multiple	Multiple/ Multiple

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

NONE

**EVALUATION FORMAT**

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use/ Planning       | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input checked="" type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	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, nothing further is required.

Signature: prepared by James Squire, Planner

Date

Signature: Terri Rahhal, Planning Director

Date

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>I. AESTHETICS - Would the project</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located within the view-shed of any Scenic Route listed in the General Plan):

- I. a) The proposed ordinance related to adult-oriented businesses would have a less than significant impact on scenic vistas because any new signs or buildings related to new adult-oriented uses would be located in the CG (General Commercial) and IC (Community Industrial) zones and would be subject to current zoning development and sign standards that would reduce potential impacts on scenic vistas.
- I. b) Currently, San Bernardino County has one designated State Scenic Highway, which is Route 38 between the South Fork Campground to 2.9 miles south of SR 18 at State Lane. The proposed ordinance related to adult-oriented businesses would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway because any new project would be subject to regulations of the County's sign and building design guidelines. Compliance with Performance Standards detailed in Chapter 83.01 (General Performance Standards) of the Development Code and Operating Standards detailed in Chapter 84.02 (Adult-oriented Businesses) of the Development Code will be confirmed in the application process, in accordance with the Adult-oriented Business Regulatory Permit application procedures. In addition, the Performance Standards included in the application packet, which an applicant must certify that his/her project meets or exceeds as part of the project review process, state that the exterior design of adult-oriented business shall be compliant with the standards in County Code Chapters 83.02 (General Development and Use Standards), 83.06 (Fences, Hedges and Walls), and 83.10 (Landscaping Standards). The County's review process includes safeguards to ensure that projects avoid aesthetic impacts to the environment.
- I. c) As described in responses a) and b), the proposed ordinance would require adult-oriented business uses to be developed and operated consistent with the regulations of the CG and IC zoning standards, and other requirements of the County Code. In addition, the ordinance requires physical separation between proposed adult-oriented businesses and sensitive uses, as well as separation between different adult-oriented businesses. The intent of the proposed ordinance includes prevention of blight and protection of the quality of neighborhoods. As a result, implementation of the proposed ordinance would not visually degrade the character or quality of the County, and impacts are less than significant.
- I. d) Implementation of the proposed ordinance would not create a new source of light or glare that would adversely affect day or nighttime views because any new signs or buildings within the CG and IC zones

would be subject to the County's Code standards. Furthermore, compliance with the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) of the Development Code and Operating Standards detailed in Chapter 84.02 (Adult-oriented Businesses) of the Development Code, will be confirmed in the application process.. This will provide for compatible lighting and reduce glare from any new development. As a result, the proposed project would have a less than significant impact related to light and glare.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located in the Important Farmlands Overlay):

- II. a) The proposed ordinance related to adult-oriented businesses would have no impact on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance because adult-oriented uses would be required to locate in either the CG (General Commercial) or IC (Community Industrial) zones, which are unlikely to contain important farmland. In addition, the Performance Standards included in the application packet state that an adult-oriented business shall not be located within an area designated as Prime, Unique, or Important Farmland, including an Agricultural Preserve Overlay. As a result, implementation of the proposed project would not result in impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- II. b) As described in response a), the proposed adult-oriented business ordinance would not impact agricultural zoning or areas under a Williamson Act contract because adult-oriented uses would be required to locate in either the CG (General Commercial) or IC (Community Industrial) zones, and the Performance Standards included in the application packet do not allow adult-oriented business to locate within an area zoned for agricultural uses. As a result, impacts to agricultural zoning or Williamson Act contracts would not occur.
- II. c) As described in responses a) and b), adult-oriented uses would be required to locate in either the CG (General Commercial) or IC (Community Industrial) zones. Thus, implementation of the proposed ordinance would not impact areas zoned for forest land or timberland.
- II. d) As described in response c), adult-oriented uses would be required to locate in either the CG (General Commercial) or IC (Community Industrial) zones, which are urban areas in the County that do not contain forest resources. Implementation of the proposed ordinance and existing County regulations related to development areas would provide that the project does not result in impacts related to conversion of forest resources.
- II. e) The proposed ordinance would not involve changes that could result in the conversion of farmland or forest because adult-oriented businesses would only be located within CG or IC zones that are urban areas or areas planned for urban development.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):

- III. a) San Bernardino County is largely within the Mojave Desert Air Basin, with the southwestern portion of the County located within the South Coast Air Basin. Each of the air basins has adopted air quality plans to regulate emission of pollutants. The proposed ordinance related to adult-oriented businesses would have a less than significant impact on the applicable air quality plans because any new adult-oriented businesses would be located within the CG or IC zones, which would be consistent with the designated uses for these areas; and therefore, are consistent with applicable air quality plans. As a result, the proposed ordinance would not result in conflicts with or obstructions to the adopted air quality plans.
- III. b) As described in response a), the proposed ordinance would direct uses that are consistent with the adopted air quality plans for San Bernardino County. In addition, compliance with the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) of the Development Code, will be confirmed in the application process. Therefore, any potential impacts on air quality will be avoided or minimized to insignificant levels. As a result, implementation of the proposed ordinance would not violate any air quality standards or contribute substantially to an existing or projected air quality violation.
- III. c) The Mojave Desert Air Basin is currently in federal nonattainment for ozone and PM<sub>10</sub> and state nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The South Coast Air Basin is in federal nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> and state nonattainment for ozone, NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Implementation of the proposed ordinance would not result in a cumulatively considerable net increase in any criteria pollutant because any adult-oriented uses would be constructed and operated in compliance to the standards in Section 83.01.040 (Air Quality) of the County's Code and other standards of the CG and IC zones.
- III. d) The proposed adult-oriented business ordinance would not expose sensitive receptors to substantial pollutant concentrations because the ordinance would regulate the location of adult-oriented uses to areas within the CG (General Commercial) and IC (Community Industrial) zones. In addition, the proposed ordinance would require a 500-foot separation from sensitive uses (including residential zones, other than the RL (Rural Living) zone that requires a 250-foot setback from residential uses). Therefore, adult-business locations would be separated from sensitive receptors, such that, air quality impacts to sensitive receptors would not occur.
- III. e) The proposed ordinance would not create objectionable odors affecting a substantial number of people because any adult-oriented businesses would be required to comply with zoning setback requirements and building design setbacks. Sites in commercial and industrial zones are generally away from substantial numbers of people and the proposed ordinance generally requires 500 feet separation from sensitive uses (including residential zones, other than the RL (Rural Living) zone that requires a 250-foot setback from residential uses). These setbacks would provide a buffer between uses and implementation of the ordinance would not result in odor impacts.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ):

IV. a) The proposed adult-oriented business ordinance would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) because the CG (General Commercial) and IC (Community Industrial) zones in the County generally do not contain areas of sensitive habitat or where sensitive species may be found. In addition, compliance with the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapter 82.11 (Biotic Resources Overlay) of the Development Code, will be confirmed in the application process. Therefore, any potential impacts on biological resources will be avoided. Additionally, an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 88.01 (Plant Protection and Management) and

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Chapter 88.02 (Soil and Water Conservation). As a result, the proposed ordinance would not result in impacts to candidate, sensitive, or special-status species.

- IV. b) As described in response a), the proposed ordinance requires adult-oriented business to be located in the GC or IC zones that generally do not contain biotic resources, including riparian habitat or other sensitive natural communities. In addition, the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapter 82.11 (Biotic Resources Overlay) of the Development Code, provide protection to habitats regulated by CDFW or USFWS. As a result, the proposed ordinance would not 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 CDFW or USFWS.
- IV. c) As described in responses a) and b), the proposed ordinance requires adult-oriented business to be located in the GC or IC zones that generally do not contain biotic resources, including federally protected wetlands. Additionally, the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapter 82.11 (Biotic Resources Overlay) of the Development Code, provide protection to habitats regulated by USFWS. Furthermore, the proposed ordinance would not result in removal, filling, hydrological interruption, or other effects to wetlands. As a result, implementation of the proposed ordinance would not have a substantial adverse effect on federally protected wetlands.
- IV. d) As described in responses a), b), and c) the proposed ordinance requires adult-oriented business to be located in the GC or IC zones that generally do not contain biotic resources, including migratory corridors and native wildlife nursery sites. In addition, the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapter 82.11 (Biotic Resources Overlay) of the Development Code, are designed to protect biological resources. Compliance with these Performance Standards and other regulations of the CG and IC zones would protect the movement of any native resident or migratory fish or wildlife species, and impacts would not occur. The County's review process includes safeguards to ensure that projects avoid impacts to biological resources.
- IV. e) As described in response a), the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapters 82.11 (Biotic Resources Overlay), 88.01 (Plant Protection and Management) and 88.02 (Soil and Water Conservation) of the Development Code, require that an adult-oriented business shall be constructed and operated in such a manner that these businesses will not conflict with any local policies or ordinances protecting biological resources.
- IV. f) As described in the responses above, the proposed ordinance requires adult-oriented business to be located in the GC or IC zones that generally do not contain biotic resources. The Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapters 82.11 (Biotic Resources Overlay), 88.01 (Plant Protection and Management) and 88.02 (Soil and Water Conservation) of the Development Code are designed to protect biological resources, and any adult-oriented business uses would be required to comply with other local, regional, state, and federal regulations, including habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. As a result, conflicts with biological protection plans would not result from implementation of the proposed ordinance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES - Would the project</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION</b>	(Check if the project is located in the Cultural <input checked="" type="checkbox"/> or Paleontologic <input checked="" type="checkbox"/> Resources overlays or cite results of cultural resource review):			

- V. a-b) The proposed ordinance provides zoning regulations related to the location of adult-oriented businesses. Also, a Performance Standard included in the application packet states that a proposed adult-oriented business located within a Cultural Resources Preservation Overlay shall require Development Standards as provided in Section 82.12.040 (Development Standards) and Section 82.12.050 (Native American Monitor). These development standards are provided to protect historical or archaeological resources. As a result, implementation of the proposed ordinance would not result in impacts related to a substantial adverse change in the significance of a historical or archaeological resource.
- V. c) As described in response a), the proposed ordinance provides zoning regulations related to the location of adult-oriented businesses. In addition, a Performance Standard included in the application packet states that a proposed adult-oriented business located within a Paleontological Resources Preservation Overlay shall require implementation of regulations provided in Section 82.20.030 (Criteria for Site Evaluation for Paleontologic Resources) and Section 82.20.040 (Paleontologist Qualifications). These development standards are provided to protect paleontological resources. As a result, implementation of the proposed ordinance would not result in destruction of a unique paleontological resource or site or unique geologic feature.
- V. d) The proposed ordinance provides zoning regulations related to the location of adult-oriented businesses, and requires adult-oriented business to be located in the GC or IC zones. Although these areas are not anticipated to include human remains, adult-oriented business uses would be required to comply with local, regional, state, and federal regulations related to human remains, should any be found during construction of an adult-oriented use. As a result, impacts would be less than significant.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VI. GEOLOGY AND SOILS - Would the project:</b>				
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? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located in the Geologic Hazards Overlay):

VI. a) The proposed ordinance provides zoning regulations related to the location of adult-oriented businesses, and a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Geological Hazard Overlay. As such, a proposed adult-oriented business located within a Geological Hazards Overlay shall require Professional Reports and Development Standards as provided in Section 82.15.030 (Professional Reports) and Section 82.15.040 (Development Standards). In addition, any construction related to new adult-oriented uses would be required to comply with the Uniform Building Code and other code requirements related to seismic hazards. Therefore, the proposed ordinance would not result in impacts related to the exposure of people or structures to potential substantial adverse effects of fault ruptures, strong seismic ground shaking, liquefaction, landslides or other seismic related effects.

VI. b) Refer to the response above, the proposed ordinance would provide regulations related to adult-oriented businesses. These regulations are in addition to existing regional and local regulations related to soil erosion and loss of soils. The proposed ordinance would not result in impacts related to construction activities of potential new commercial uses, and would not result in substantial soil erosion or the loss of topsoil.

VI. c-d) Refer to the response above, the proposed ordinance would provide regulations related to adult-oriented businesses. These regulations are in addition to existing regional and local building regulations. Furthermore, a Performance Standard is included in the application packet related to geologic hazards. Therefore, the County's review process includes safeguards to ensure that projects avoid impacts related to unstable soils, expansive soils or unstable geologic units.

VI. e) The proposed ordinance does not involve or regulate the use of septic tanks. Any adult uses would be required to comply with the existing wastewater requirements of commercial uses within the CG and IC zones. As a result, implementation of the proposed ordinance would not result in impacts related to septic tanks or other wastewater disposal systems.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII GREENHOUSE GAS EMISSIONS - Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

VII a-b) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, and the application packet includes a Performance Standard that states an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 84.30 (Greenhouse Gas Emissions Reduction Plan Implementation). The proposed ordinance would not generate direct or indirect greenhouse gas emissions, and it would not conflict with a plan, policy, or regulation related to greenhouse gas emissions; however, adult-oriented businesses approved pursuant to the provisions of the proposed ordinance would generate emissions in a manner consistent with the provisions of Chapter 84.30 (Greenhouse Gas Emissions Reduction Plan Implementation). Therefore, implementation of the proposed ordinance would result in less than significant impacts related to greenhouse gasses.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

***SUBSTANTIATION:***

- VIII a-b) The proposed ordinance would regulate the location and operation of adult-oriented businesses. Adult-oriented uses would be limited to areas zoned as CG or IC, and do not generally involve the use, routine transport, or disposal of hazardous materials beyond the use of cleaning and painting type products that are used and stored in small quantities that would not result in a hazardous condition. In addition, a Performance Standard is included in the application packet states that waste materials shall be stored, handled, and disposed of in compliance with Section 83.01.100 (Waste Disposal), and Chapter 84.24 (Solid Waste/Recyclable Materials Storage). 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.
- VIII. c) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC, and to be located a minimum of 500 feet from school facilities. As described in response a-b), adult-oriented businesses use a limited amount of hazardous materials that include painting and cleaning products that would not result in a hazard. As a result, the proposed ordinance would not result in hazardous impacts to schools that may exist 500 feet away from an adult use.

- VIII. d) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, a Performance Standard is included in the application packet that states that proposed adult-oriented business shall not be sited on a list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5. As a result, the County's review process includes safeguards to ensure that projects avoid impacts from implementation of the proposed ordinance.
- VIII. e-f) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, proposed adult-oriented uses would be subject to guidelines of applicable airport land use plans. Furthermore, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Airport Safety Overlay. As such, a proposed adult-oriented business located within an Airport Safety Overlay shall require Review Procedures and Development Standards as provided in Section 82.09.050 (Review Procedures) and Section 82.09.060 (Development Standards). Therefore, the proposed ordinance would not result in significant impacts related to an airport land use plan, a public airport, or a private airstrip.
- VIII. g) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, proposed adult-oriented uses would be subject to the County's development requirements, which includes the Uniform Building Code, and reviews from the County's Fire Department. Furthermore, a Performance Standard is included in the application packet that states that an adult-oriented business shall provide site and emergency access pursuant to the requirements in the Uniform Fire Code, included in the County's Code Sections 23.0101 (Findings and Adoption of the Uniform Fire Code) through 23.0111 (Validity Clause). 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.
- VIII. h) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC, which are generally not wildland fire locations. In addition, proposed adult-oriented uses would be subject to the County's development requirements, which includes the Uniform Building Code, and reviews from the County's Fire Department. Furthermore, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Fire Safety Overlay. As such, a proposed adult-oriented business located within a Fire Safety Overlay shall require Development Standards as provided in Sections 82.13.050 (General Development Standards) through 82.13.090 (Alternate Hazard Protection Measures). Therefore, the proposed ordinance would not result in impacts related to wildland fires.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HYDROLOGY AND WATER QUALITY - Would the project:</b>				

- a) Violate any water quality standards or waste discharge requirements?



- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** (Check  if project is located in the Flood Hazard Overlay District):

- IX. a) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, which are limited to the CG and IC zones and a Performance Standard is included in the application packet that states an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 83.15 (Conditional Compliance for Water Quality Management Plans), and the Pollutant Discharge Elimination System Regulations as provided in Sections 35.0101 (Authority) through 35.0132 (Notice to Remediate). The County's review process includes safeguards to ensure that projects will not result in violation of any water quality standards or waste discharge requirements.
- IX. b) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, which are limited to the CG and IC zones. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by the other provisions in the County Code, including

Chapter 83.09 (Infrastructure Improvement Standards), that requires CG and IC uses be served by water purveyors and not well water. In addition, adult-oriented uses would continue to be regulated by local, state, and federal regulations related to groundwater supplies and recharge. Also, a Performance Standard is included in the application packet that states that an adult-oriented business shall be operated in compliance to the standards in Sections 33.0601 (Authority) through 33.06557 (Violations, Remedies, and Penalties) related to groundwater management and public water supply systems. Therefore, implementation of the proposed ordinance would not substantially deplete groundwater supplies or interfere with groundwater recharge, and groundwater related impacts would not occur.

- IX. c) As described in response b), the proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, which are limited to the CG and IC zones. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by the other provisions in the County Code related to erosion and drainage, including the drainage improvement requirements provided in Chapter 83.09 (Infrastructure Improvement Standards). In addition, other local and regional requirements related to Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) would continue to apply, as appropriate, to adult-oriented business uses. Furthermore, a Performance Standard is included in the application packet that states that an adult-oriented business shall be constructed in compliance to the standards in Section 82.13.080 (Erosion and Sediment Control Plans/Permits). Therefore, the proposed ordinance would not result in impacts related to alteration of an existing drainage pattern through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site.
- IX. d) Refer to responses b) and c) above. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by provisions in the County Code related to drainage, including the drainage improvement requirements provided in Chapter 83.09 (Infrastructure Improvement Standards). In addition, other local and regional requirements related to SWPPPs and WQMPs would continue to apply, as appropriate, to adult-oriented business uses. In addition, a Performance Standard is included in the application packet that states that the proposed use shall have adequate infrastructure pursuant to the standards in Chapter 83.09 (Infrastructure Improvement Standards). As a result, implementation of the proposed ordinance would not substantially alter existing drainage patterns through alteration of a course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding. The County's review process includes safeguards to ensure that projects avoid impacts to water quantity and quality.
- IX. e-f) As described in responses a) through d) above, implementation of the proposed adult-oriented business ordinance would not change requirements related to infrastructure, retention of stormwater, or water quality. Existing local, Regional Water Quality Control Board (RWQCB), and federal regulations would continue to apply to adult-oriented businesses. In addition, a Performance Standard is included in the application packet that states an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 83.15 (Conditional Compliance for Water Quality Management Plans), and the Pollutant Discharge Elimination System Regulations as provided in Sections 35.0101 (Authority) through 35.0132 (Notice to Remediate). As a result, the County's review process includes safeguards to ensure that projects will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality.
- IX. g) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones. The ordinance does not involve development of housing and would not place housing within a 100-year flood hazard area. No impacts would occur.
- IX. h) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by the other provisions in the County Code, including those related to

development within a flood zone. In addition, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Floodplain Safety Overlay. As such, a proposed adult-oriented business located within a Floodplain Safety Overlay zone or otherwise within a flood zone shall comply with regulations in Sections 82.14.040 (Floodplain Safety Review Areas) through 82.14.070 (Boundary Changes), and Chapter 85.07 (Flood Hazard Development), including Section 85.07.030, (Floodplain Development Standards Review Procedures). Therefore, the proposed ordinance would not result in impacts related to development of structures within a 100-year flood hazard area that would impede or redirect flood flows.

IX. i-j) As described in responses a) through d) above, the proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones, and proposed adult-oriented business would continue to require compliance with County Code, regional, and state requirements related to flooding. In addition, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Floodplain Safety Overlay. As such, a proposed adult-oriented business located within a Floodplain Safety Overlay or otherwise within a flood zone shall comply with regulations in Sections 82.14.040 (Floodplain Safety Review Areas) through 82.14.070 (Boundary Changes), and Chapter 85.07 (Flood Hazard Development), including section 85.07.030 (Floodplain Development Standards Review Procedures). Thus, implementation of the proposed ordinance would not 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; or inundation by seiche or mudflow. San Bernardino County is located a substantial distance from the Pacific Ocean and is not a risk of tsunamis.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

- X. a) The proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones. In addition, the ordinance provides require separation distances from sensitive or other adult-oriented uses. The intent of the proposed ordinance is to provide appropriate locations for adult-oriented uses that would not conflict with the existing community. As a result, implementation of the proposed ordinance would not physically divide an established community.
- X. b) The intent of the proposed ordinance is to provide land use and operating regulations that would mitigate potential adverse secondary effects of adult-oriented businesses and protect the quality of life

and neighborhoods in the County. The proposed ordinance provides location and design standards, and the application packet includes Performance Standards all designed to avoid or minimize potential nuisances and impacts to the environment. Adult-oriented business would continue to be regulated by the County's Code and other regional, state and federal regulations, as appropriate. The proposed ordinance would be adopted for the purpose of avoiding or mitigating an environmental effect, and would not conflict with existing land use plan, policy, or regulations related to the environment. Therefore, the proposed ordinance would not result in land use and planning impacts.

- X. c) The proposed ordinance requires adult-oriented business to be located in the GC or IC zones that would generally not be included in a habitat conservation plan or natural community conservation plan. Compliance with the Performance Standards detailed in Chapter 83.01 (General Performance Standards) of the Development Code and the Operating Standards of detailed in Chapter 84.02 (Adult-oriented Businesses) of the Development Code will be confirmed in the application process, in accordance with the Adult-oriented Business Regulatory Permit procedures. In addition, the Performance Standards included in the application packet, which an applicant must certify that his/her project meets or exceeds as part of the project review process are designed to protect biological resources, and any adult-oriented business uses would be required to comply with other local, regional, state, and federal regulations, including habitat conservation plans and natural community conservation plans that may be applicable to a proposed adult-oriented use site. Therefore, conflicts with an applicable habitat conservation plan or natural community conservation plan would not result from implementation of the proposed ordinance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. MINERAL RESOURCES - Would the project:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located within the Mineral Resource Zone Overlay):

XI a-b) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC, which are generally not mineral resource locations. In addition, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Mineral Resources Overlay. As such, a proposed adult-oriented business located within a Mineral Resources Overlay zone shall require implementation of Development Standards as provided in Section 82.17.040 (Development Standards). Therefore, the County's review process includes safeguards to ensure that projects will not result in impacts related to loss of availability of a known or locally important mineral resource.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. NOISE - Would the project:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION</b>	(Check if the project is located in the Noise Hazard Overlay <input checked="" type="checkbox"/> or is subject to severe noise levels according to the General Plan Noise Element <input type="checkbox"/> ):			

XII. a) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses that are limited to the CG and IC zones. Compliance with Performance Standards detailed in Chapter 83.01 (General Performance Standards) of the Development Code and Operating Standards detailed in Chapter 84.02 (Adult-oriented Businesses) of the Development Code, as well as all other provisions of the Development Code will be confirmed in the application process, in accordance with the Adult-oriented Business Regulatory Permit application procedures. Therefore any potential impacts relative to noise will be avoided.

XII. b) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses that are limited to the CG and IC zones. Under the proposed ordinance, adult-oriented business would continue to be required to comply with the County's adopted noise standards, including County Code Section 83.01.090 (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.

- XII. c-d) As described in response a), the proposed ordinance provides regulations related to the location and operation of adult-oriented businesses that are limited to the CG and IC zones, and the application packet includes Performance Standards that state the project must meet the general performance standards provided in Chapter 83.01 of the Development Code, which includes noise. As such, noise levels generated by adult-oriented business will not exceed any adopted standards. Therefore, implementation of the proposed ordinance would not result in either permanent or temporary substantial increases in ambient noise levels, and impacts related to noise would not occur.
- XII. e-f) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, proposed adult-oriented uses would be subject to guidelines of applicable airport land use plans. Furthermore, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Airport Safety Overlay. As such, a proposed adult-oriented business located within an Airport Safety Overlay zone shall require Review Procedures and Development Standards as provided in Section 82.09.050 (Review Procedures) and Section 82.09.060 (Development Standards). Therefore, the proposed ordinance would not result in impacts related to exposure of people residing or working near an airport or airstrip to excessive noise levels.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

- XIII.a) The proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones. The proposed ordinance does not propose new homes, businesses, roads, or infrastructure; and 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-oriented businesses could be located, and may act as a constraint to growth of adult-business uses. As a result, implementation of the proposed ordinance would not result in impacts related to growth.
- XIII. b-c) The proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones, and would require adult-oriented uses to be separated from residential uses. The proposed ordinance would not displace housing units or people, and would not necessitate the

construction of housing. Impacts related to population and housing would not occur from implementation of the proposed ordinance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XIV. PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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 public services:

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XIV. a.i) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. Adult-oriented uses are also subject to the County's development requirements, which include the Uniform Building Code and reviews from the County's Fire Department. Furthermore, a Performance Standard is included in the application packet that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Fire Safety Overlay. As such, a proposed adult-oriented business located within a Fire Safety Overlay shall require implementation of Development Standards as provided in Sections 82.13.050 (General Development Standards) through 82.13.090 (Alternate Hazard Protection Measures). Therefore, the County's review process includes safeguards to ensure that projects will 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.

XIV. a.ii) The proposed ordinance would regulate the location and operation of adult-oriented businesses, and includes requirements for security lighting and security systems that records identification of persons entering and exiting the facility and parking lot activities. In addition, permits for adult-oriented facilities would be reviewed and by the Sheriff's Department prior to approval to ensure compliance with the County's Code requirements related to crime prevention. Therefore, the proposed ordinance would not result in impacts related to the need for Sheriff's Department services, which would cause a need for new, or physically altered facilities.

XIV. a.iii) The proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones. The proposed ordinance does not propose new homes, businesses, or other

uses that would induce population growth. The proposed ordinance would not result in an increase in the student population of the County, or otherwise involve school facilities. As a result, impacts related to the need for new, or physically altered, schools would not occur.

XIV. a.iv) The proposed ordinance would regulate the location and operation of adult-oriented businesses. Adult-oriented uses would be limited to areas zoned as CG or IC, and would require a setback from park or community center uses. The proposed ordinance does not otherwise involve park facilities and would not result in an increase in the use of existing facilities, such that a need for new, or physically altered, parks would occur.

XIV. a.v) As described in responses a.i) through a.iv), the proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones. The proposed ordinance does not propose new homes, businesses, or other uses that would induce population growth. The proposed ordinance would not result in a population increase that would require public facilities. As a result, impacts related to the need for new, or physically altered, public facilities would not occur.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XV. RECREATION**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION**

XV a-b) The proposed ordinance would regulate the location and operation of adult-oriented businesses. Adult-oriented uses would be limited to areas zoned as CG or IC, and would require a minimum of 500-foot setback from park or community center uses, except when in a Rural Living (RL) zone, which would require a 250-foot setback. The proposed ordinance does not otherwise involve recreation facilities and would not result in an increase in the use of existing facilities, such that substantial physical deterioration would occur. In addition, the proposed ordinance does not require the construction or expansion of recreation facilities. Therefore, implementation of the proposed ordinance would not result in impacts related to recreation facilities, or related to construction of recreation facilities.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XVI. TRANSPORTATION/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



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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, freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**SUBSTANTIATION**

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- XVI. a-b) The proposed ordinance regulates the location and operation of adult-oriented business uses within the GC and IC zones. The proposed ordinance does not propose new uses that would induce population growth or result in substantial traffic volumes, or otherwise conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. In addition, a Performance Standard is included in the application packet that states that a proposed adult-oriented business shall have adequate access and circulation and comply with the General Development and Use Standards provided in Sections 83.02.030 (Clear Sight Triangles) through 82.02.080 (Allowed Projections/Structures Within Setbacks), and the Installation of Street Improvement requirements provided in Sections 83.05.050 (Installation of Street Improvements) through 83.05.080 (Building Official Determination). Therefore, implementation of the proposed ordinance would not result in impacts related to traffic congestion, conflict with traffic programs, or County performance standards.
- XVI. c) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, proposed adult-oriented uses would be subject to guidelines of applicable airport land use plans. Furthermore, a Performance Standard is included in the application packet requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Airport Safety Overlay. As such, that a proposed adult-oriented business located within an Airport Safety Overlay shall require Review Procedures and Development Standards as provided in Section 82.09.050 (Review Procedures) and Section 82.09.060 (Development Standards). Therefore, the proposed ordinance would not result in impacts related to a change in air traffic patterns that results in a substantial safety risk.

- XVI. d) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. The proposed ordinance does not propose new uses or hazardous design features that could result in traffic impacts. In addition, the ordinance requires separation distances from sensitive or other adult-oriented uses to ensure that incompatible uses would not occur. The intent of the proposed ordinance is to provide appropriate locations for adult-oriented uses that would not conflict with the existing community. Therefore, the proposed ordinance would not result in an increase in hazards due to design features or incompatible uses.
- XVI. e) The proposed ordinance would regulate the location and operation of adult-oriented businesses to areas zoned as CG or IC. In addition, proposed adult-oriented uses would be subject to the County's development requirements, which includes the Uniform Building Code, and reviews from the County's Fire Department to ensure emergency access. Furthermore, a Performance Standard is included in the application packet that states that an adult-oriented business shall provide site and emergency access pursuant to the requirements in the Uniform Fire Code, included in the County Code Sections 23.0101 (Findings and Adoption of the Uniform Fire Code) through 23.0111 (Validity Clause). Therefore, the proposed ordinance would not result in impacts related to inadequate emergency access.
- XVI. f) The proposed ordinance would regulate the location and operation of adult-oriented businesses. Adult-oriented uses would be limited to areas zoned as CG or IC and would be required to comply with other portions of the County's Code related to transit, bicycle, and pedestrian facilities, as applicable. 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.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION**

- XVII. a) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones, and the application packet includes a Performance Standard that states an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 83.15 (Conditional Compliance for Water Quality Management Plans), and the Pollutant Discharge Elimination System Regulations as provided in Sections 35.0101 (Authority) through 35.0132 (Notice to Remediate). Therefore, the proposed ordinance would not result in conflicts with requirements of the RWQCB.
- XVII. b) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones, and as described in Section 13, Population and Housing, implementation of the proposed ordinance would not induce substantial population growth. In addition, adult-oriented businesses would continue to be regulated by the other provisions in the County Code, including Chapter 83.09 (Infrastructure Improvement Standards), that requires CG and IC uses be served by wastewater purveyors. Because the proposed ordinance would not induce growth and would require compliance with existing regulations related to water use and wastewater services, impacts related to wastewater treatment facilities would not occur.
- XVII. c) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, which are limited to the CG and IC zones. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by the other provisions in the County Code, including Chapter 83.09 (Infrastructure Improvement Standards). In addition, adult-oriented uses would continue to be required to control stormwater consistent with the existing requirements of the RWQCB. Therefore, implementation of the proposed ordinance would not result in impacts related to construction of new storm water drainage facilities.
- XVII. d) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses, which are limited to the CG and IC zones. Under the proposed ordinance, adult-oriented businesses would continue to be regulated by the other provisions in the County Code, including Chapter 83.09 (Infrastructure Improvement Standards), that requires CG and IC uses be served by water purveyors. In addition, adult-oriented uses would continue to be regulated by local and regional regulations related to water use. Also, the application packet includes a Performance Standard that states that an adult-oriented business shall be operated in compliance to the standards in Sections 33.0601 (Authority) through 33.06557 (Violations, Remedies, and Penalties) related to groundwater management and public water supply systems. Therefore, implementation of the proposed ordinance would not result in impacts related to water supplies, and would not require expanded water entitlements.
- XVII. e) Refer to response b). The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones, and implementation of the proposed ordinance would not induce substantial population growth. In addition, adult-oriented businesses would continue to be regulated by the County Code. Because the proposed ordinance would not induce growth and would require compliance with existing regulations related to wastewater, impacts related to wastewater treatment facilities would not occur.

XVII. f-g) The proposed ordinance provides regulations related to the location and operation of adult-oriented businesses in the CG and IC zones. Adult-oriented businesses do not generate large volumes of solid waste. In addition, the application packet includes a Performance Standard that states that waste materials shall be stored, handled, and disposed of in compliance with Section 83.01.100 (Waste Disposal), and Chapter 84.24 (Solid Waste/Recyclable Materials Storage). Therefore, the proposed ordinance would not result in impacts related to landfill capacity and compliance with solid waste regulations.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the 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)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION**

XVIII. a) The proposed ordinance would regulate the location and operation of adult-oriented businesses within areas zoned as CG or IC. The proposed adult-oriented business ordinance would not have the potential to 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, or reduce the number or restrict the range of a rare or endangered plant or animals. Generally, the CG (General Commercial) and IC (Community Industrial) zones in the County generally do not contain areas of sensitive habitat or where sensitive species may be found. In addition, compliance with the Performance Standards included in the application packet, along with those detailed in Chapter 83.01 (General Performance Standards) and the requirements of Chapter 82.11 (Biotic Resources Overlay) of the Development Code, will be confirmed in the application process. Therefore, any potential impacts on biological resources will be avoided. Additionally, an adult-oriented business shall be constructed and operated in compliance to the standards in Chapter 88.01 (Plant Protection and Management) and Chapter 88.02 (Soil and Water Conservation). As a result, the proposed ordinance would not result in impacts these biological resources. In addition, the application packet includes Performance Standards that requires that all adult-oriented businesses comply with the requirements of all overlays in which they are located, including the Cultural

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Resources Preservation and Paleontologic Resources Overlays. As such, a proposed adult-oriented business located within a Cultural Resources Preservation Overlay shall require implementation of Development Standards as provided in Section 82.12.040 (Development Standards) and Section 82.12.050 (Native American Monitor); and a proposed adult-oriented business located within a Paleontologic Resources Overlay shall require implementation of regulations provided in Section 82.20.030 (Criteria for Site Evaluation for Paleontologic Resources) and Section 82.20.040 (Paleontologist Qualifications). These standards are provided to protect important examples of California's history and prehistory. As a result, implementation of the proposed ordinance would not result in impacts related to cultural or paleontologic resources.

XVIII. b) The proposed ordinance would regulate the location and operation of adult-oriented businesses within areas zoned as CG or IC to mitigate potential adverse secondary effects of these uses and protect the quality of life and neighborhoods in the County. As described throughout this Initial Study, implementation of the proposed ordinance would not result in environmental impacts and includes Performance Standards in the application packet to minimize potential effects of adult-oriented businesses. In addition, adult-oriented businesses are required to comply with the County's Code, regional, state and federal regulations. Implementation of the proposed ordinance would not result in impacts that are individually limited, but could be incrementally considerable. There are no other past, current, or probable future projects or proposed ordinances that would combine with the proposed ordinance to result in a cumulatively adverse impact. Therefore, cumulative impacts related to the proposed ordinance would not occur.

XVIII. c) The intent of the proposed ordinance is to provide land use and operating regulations that would mitigate potential adverse secondary effects of adult-oriented businesses and protect the quality of life and neighborhoods in the County. The proposed ordinance provides location standards and design standards, and the application packet includes performance standards to minimize potential nuisances and both direct and indirect impacts to human beings. In addition to the proposed ordinance, adult-oriented business would continue to be regulated by the County's Code and other regional, state and federal regulations, as appropriate. 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.

## **XIX. MITIGATION MEASURES**

No mitigation measures have been identified for this project.

## **GENERAL REFERENCES**

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources Bulletin #118 (Critical Regional Aquifers).

CEQA Guidelines, Appendix G

California Standard Specifications, July 1992

County Museum Archaeological Information Center

County of San Bernardino Development Code, 2007

County of San Bernardino General Plan, adopted 2007

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

County of San Bernardino, Countywide Integrated Waste Management Plan.

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards

Environmental Impact Report, San Bernardino County General Plan, 2007

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.

## **Aesthetics Reference**

Caltrans State Scenic Highways: <<http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>> Accessed April 25, 2013.

## **Air Quality Reference**

California Air Resources Board <<http://www.arb.ca.gov/desig/adm/adm.htm>> Accessed April 25, 2013.