COMMUNITY DEVELOPMENT
Planning & Development Services

SEXUALLY ORIENTED BUSINESS ATTESTATION FORM

This form must be filed with the Sexually Oriented Business Permit development case application (PSX).

Before operating a Sexually Oriented Business, prospective operators must submit a completed development case application, developer deposit case setup form, electronic/digital signature disclosure (if actual signatures are not included on the application and deposit forms), and attestation form, as well as pay the initial deposit fee amount listed in the Planning and Development Services Fee Schedule and obtain a business license.

Submit all forms including this attestation form to the City's online submittal portal at https://cityofirvine.gov/irvineready. For questions, contact the Planning Counter at 949-724-6308 or planning@cityofirvine.org.

APPLICANT INFORMATION

CONTACT NAME		BUSINESS NAME	
☐ BUSINESS or ☐ PERSONAL ADDRESS*		SUITE	PHONE*
CITY	STATE	ZIP	EMAIL*

NOTICE TO ALL APPLICANTS

Receiving a Sexually Oriented Business Permit does not authorize you to operate or conduct business unless you comply with all requirements of Irvine Zoning Ordinance (IZO) Chapter 2-28, as well as all applicable federal, state, and local regulations pertaining to such business.

The City of Irvine may approve a Sexually Oriented Business Permit only if the following standards are satisfied. Please mark an "X" in each box to indicate your agreement with all listed standards and conditions below.

As a Sexually Oriented Business Permit holder, I attest to the following:

☐ A. The sexually oriented business is in either the General Industrial or IBC Industrial zone.

☐ B. The sexually oriented business is not proposed to be located within 2,300 feet of any residential zone or residential use approved by the Cities of Irvine, Lake Forest, Laguna Hills, and Tustin, or the United States Marine Corps.

☐ C. The sexually oriented business is not proposed to be located within 2,300 feet of any lot upon which there is located a religious institution, public park facility, child care center, or school.

☐ D. The sexually oriented business is not proposed to be located within 500 feet of another sexually oriented business.

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The distance of separation required by Standards B, C, and D shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the sexually oriented business shall be located to the nearest property line of the lot upon which is located a residential use, a religious institution, the Irvine Multi-Modal Transportation Center, the James Musick Facility, a public park facility, a school, a child care center, or a sexually oriented business. If the use to which the measurement is being taken is located on the same lot as the sexually oriented business, the distance between the two shall be measured in a straight line between the front door of each use without regard to intervening structures or objects.

- ☐ E. The sexually oriented business complies with the City's parking standards for the underlying use. Where no City parking standard exists for the underlying use, a parking study shall be prepared and completed for the use in question. The study shall demonstrate that the sexually oriented business for which the applicant is seeking approval provides parking sufficient to satisfy the demand demonstrated by the parking study.
- ☐ F. The sexually oriented business is not proposed to be located completely, or partially, within any mobile structure or pushcart.
- ☐ G. The sexually oriented business provides a security system that visually records and monitors parking lot areas.
- ☐ H. The sexually oriented business complies with the City's sign regulations, as contained in IZO Division 7.
- ☐ I. The sexually oriented business complies with the development and any design requirements of the planning area in which it is to be located.
- ☐ J. The sexually oriented business complies with the objective design and development requirements for the zone in which the use will occur.
- ☐ K. If required, a traffic study has been prepared for the sexually oriented business in conformance with the City of Irvine traffic study guidelines. The applicant shall make all necessary improvements to reduce all project-related traffic impacts which exceed the applicable planning area's adopted trip cap or IBC development intensity value cap or any street, roadway or arterial's adopted level of service are reduced to the adopted levels. Said improvements have been made conditions of project approval.
- ☐ L. The sexually oriented business complies with the Noise Element of the General Plan, interior and exterior noise standards, and any mitigation measures necessary to reduce the project's noise impacts to the City's articulated noise standard.

As a Sexually Oriented Business Permit holder, I will comply with and understand the following operating conditions, including those conditions set forth in IZO Chapter 2-28:

- ☐ M. The sexually oriented business will not stage any special events, promotions, festivals, concerts or the like that would increase the demand for parking beyond the approved number of spaces for the particular use.
- ☐ N. The sexually oriented business will not conduct any massage, acupuncture, tattooing, acupressure, fortune telling, or escort services on the premises.
- ☐ O. The sexually oriented business will not display any sexually oriented material or sexually oriented merchandise which would be visible from any location other than from within the sexually oriented business.
- ☐ P. The sexually oriented business will not be accessible to any person under the age of 18 if no liquor is served, or 21 if liquor is served.

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☐ Q. The sexually oriented business shall not operate between the hours of 10 p.m. and 7 a.m.

☐ R. Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the sexually oriented business shall have been found guilty within the past two years of violating any of the provisions of a sexually oriented business permit or similar permit or license in any city, county, territory or state, or of any misdemeanor or felony classified by the state as a sex related offence, including, but not limited to, a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266 (inc. 266a --266j), 267, 286, 286.5, 288, 288a, 289, 647, 647b, 647d, and 647.6.

☐ S. The interior of the adult oriented business will be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises, including, but not limited to, the interior of all individual viewing areas, from a manager's station which is no larger than 32 square feet of floor area with no single dimension being greater than 8 feet and located in a public portion of the establishment. No public area, including, but not limited to, the interior of any individual viewing area, will be obscured by any door, curtain, wall, two-way mirror, or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager will be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area will be designated or operated to permit occupancy of more than one person at any one time.

☐ T. All interior areas of the sexually oriented business shall be illuminated at a minimum of 1.25 footcandles, minimally maintained and evenly distributed at ground level.

☐ U. The individual viewing areas of the sexually oriented business shall be operated and maintained with no holes or other openings or means of direct visual or physical access between the interior space of two or more individual viewing areas. "Individual viewing area" shall mean a viewing area designed for occupancy by one person.

☐ V. The sexually oriented business will provide separate restroom facilities for male and female patrons. The restroom will be free from sexually oriented materials and sexually oriented merchandise. Only one person will be allowed in the restroom at any time, unless otherwise required by law, in which case the sexually oriented business will employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant will ensure that no person of the opposite sex is permitted into the restroom, and that not more than one person is permitted to enter a restroom stall, and, with the exception of urination and excretion, which no persons engage in any specified sexual activity in the public portion of the restroom.

☐ W. Live entertainment will only be performed either: (a) on a stage raised at least 18 inches above the floor and separated from patrons by a fixed rail at least 30 inches in height placed at a distance of not less than 8 feet around the perimeter of the stage; or (b) in a location other than on a stage such that no portion of the performer is, at any time, within 6 feet of any patron. This provision will not apply to an individual viewing area where the performer is completely separated from the area in which the performer is viewed by an individual by a permanent, floor to ceiling solid barrier.

☐ X. No patron will directly pay or give any gratuity to any performer, and no performer will accept any direct payment from any patron. For the purposes of this section, the phrase "directly pay" shall mean the person to person transfer of the gratuity. This section shall not prohibit the establishment of a nonhuman gratuity receptacle placed at least 6 feet from the stage or area occupied by the performer.

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☐ Y. No performer will intentionally have any physical contact with any patron and no patron will intentionally have any physical contact with any performer while on the premises of an adult oriented business.

☐ Z. At least one security guard will be on duty outside the premises, patrolling the grounds at all times the business is open to the public. The security guard shall be charged with permitting violations of law and enforcing the provisions of this chapter. All security guards will be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a doorman, ticket taker or seller, or perform any other function while acting as a security guard. For all sexually oriented businesses providing live entertainment, an additional security guard will be required with each increase in maximum occupancy of 50 persons. All security guards shall be licensed under the CA State Private Security Services Act, Business and Professions Code § 7580 et seq.

☐ AA. Public nudity will be prohibited on the premises at all times. For the purposes of this section, the term "public nudity" shall mean appearing in a state in which the individual is clothed in less than pasties and a G-string. The phrase "G-string" shall mean an article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis. The term "pasties" shall mean an article of clothing that opaquely covers the nipple and areola of the female breast and is not designed to nor appears to look like the nipple and/or areola of the female breast.

AGREEMENT

I UNDERSTAND THAT IN THE EVENT IT IS DETERMINED THAT MY BUSINESS DOES NOT COMPLY WITH CITY REQUIREMENTS, MY SEXUALLY ORIENTED BUSINESS PERMIT MAY BE REVOKED IN ACCORDANCE WITH IZO SECTION 2-28-10. I DO HEREBY CERTIFY THAT, UNDER PENALTY OF PERJURY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

_____
PRINT NAME

_____ _____
APPLICANT SIGNATURE DATE

If your request for a Sexually Oriented Business Permit is denied, you will be entitled to prompt judicial review of the decision, as provided by law and in accordance with IZO Section 2-28-4(C).

FOR OFFICE USE ONLY

COMMUNITY DEVELOPMENT RECOMMENDATION: ☐ APPROVE ☐ DENY

CASE NUMBER: _____ -PSX PERMIT EXPIRATION DATE: _____

PLANNER: _____ DATE: _____