

# **Sexually-Oriented Business Study Rochester, New York**

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## **BACKGROUND OF THE STUDY**

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### **Study History**

In January of 1999, the City of Rochester completed ROCHESTER 2010: THE RENAISSANCE PLAN, a comprehensive plan for the City intended to guide growth and development for the future. The City then hired a consultant team to prepare a revised Zoning Ordinance for the City to help implement the new plan. During the early discussions of proposed Zoning Ordinance changes for the City of Rochester, there was substantial public discussion of the impact on neighbors created by existing adult businesses.

At approximately the same time, the City settled a challenge to their special permit process and standards for approving sexually oriented businesses<sup>1</sup>, and determined that revised regulations should be prepared. This study contains the analysis and field work prepared in support of new regulations for the City.

The City formed an Adult Use Task Force to guide this study process.

### **Study Issues**

The issues based on conversations with neighbors, interested civic and religious groups, and City staff, including the police and codes enforcement staff, are set forth below.

- Police and community concern with sexual activity occurring in “body rub” parlors and similar establishments, as well as other adult businesses, some of which have been closed down because of prostitution activity associated directly with them;
- Neighborhood concern with lawful or unlawful sexual activity that seems to be attracted to the general neighborhoods where some of these businesses locate;
- General neighborhood concern with nude dancing establishments;
- Frustration with the fact that some businesses that clearly appear to be sexually-oriented businesses are not treated as such under the current ordinance;
- Concern that in several of these businesses that are currently classified as non-adult, there is little or no separation of the general merchandise from the explicitly sexual material;
- Neighborhood concerns that some of these businesses are poorly maintained and detract from the neighborhoods for that reason alone;
- Substantial variation in the quality of the operations, leading some neighborhood groups to assume the worst about all such businesses.

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<sup>1</sup> *Fracola v. City of Rochester*, 99-CV-6036CJS (W.D.N.Y. 1999).

## **ANALYSIS OF EXISTING ADULT BUSINESSES**

### **Field Work Methodology**

The Adult Use Task Force determined that an important component of the study would be the compilation of information regarding existing sexually-oriented business operations in the City in order to assess their impact on surrounding neighborhoods.

The Zoning Office has historically maintained a master listing of sexually-oriented businesses in the City since the adoption of the current regulations in the Zoning Ordinance in 1977. Periodically, this listing has been amended to reflect the closing of various operations and any new operations. Properties have also been added to the list based on Property Conservation inspections, police concerns and reports, and during the recent court action surrounding video viewing booths. A current master listing of adult businesses was available for use by the Task Force.

The Task Force developed inspection forms for both bookstores and for entertainment establishments in order that all the different inspectors would look for the same things -- loitering, cleanliness, parking, lighting, staffing and more. See Attachment 1: Field Inspection Forms.

A total of eight city staff members and one non-staff person participated in the inspections of these properties. Teams of two people inspected the properties. To ensure consistency, one of the inspectors inspected each of the properties at least twice with various partners.

Each of the properties was inspected at least three times: during the week-day, during a week-day evening; and, during a week-end evening, in order to obtain an overview of the operations. Upon completion of the inspections by city staff; the Rochester Police Department conducted a final inspection of all of the properties.

### **Summary of Analysis of Existing Businesses**

The City of Rochester has four adult bookstores and five retail businesses with a substantial percentage of sexually-oriented stock-in trade and five adult entertainment establishments. Many of the adult bookstores and entertainment establishments have operated at their current locations since prior to 1977, when the current provisions for adult uses were adopted. They are located on the east and west sides of the City, along major roadways. The types of uses and the control exhibited by management over the activities at the premises affect the impact these uses have on their neighborhoods and how they are perceived by neighbors and realtors. Improved operational controls and dispersion of the uses according to their impacts and intensity will help to limit the negative impacts of these uses.

### **Management**

Part of the impact of adult bookstores is related to the level of management. Adult bookstores that are well maintained, responsibly staffed and effectively controlled pose fewer impacts to the area than ineffectively staffed and controlled operations. Imposing operational controls over operations and management will lessen the potential impacts on the surrounding area.

### **Viewing Booths**

Bookstore operations with viewing booths require responsible staffing and greater vigilance. Their addition to a bookstore operation intensifies the use. The nature, design and location of

booths result in their being difficult to monitor. There is evidence that the booths are regularly being used for sexual purposes. Increased controls are necessary.

### **Adult Entertainment**

The managers of entertainment facilities often fail to control the actions of either their entertainers or customers. The physical contact between entertainers and customers and the offering of "lap dancing" are unacceptable and unsafe practices. There must be a physical separation between performers and customers and other operational controls. The adult entertainment uses are much more intense than bookstores without viewing booths. Their impact on the neighborhood can be much greater, and neighbors and realtors express more concerns with the more intensive uses.

### **Percentage of Adult Merchandise**

The existing code provisions allow for up to 49% of a retail business' stock-in-trade to be of a sexually-oriented nature. This has been extremely difficult to measure and enforce. A number of establishments have taken advantage of this. Under the pretext of being general retail, many of these businesses' percentages of adult materials well exceed the currently permitted 49% limitation.

Another concern is the display of sexually-oriented material together with non-adult materials. A general retail store should accommodate any person, no matter what their age, and should not expose general retail customers to sexually-oriented material. Several of the existing operations operate primarily as adult operations by virtue of their display practices.

The sale of a limited amount of sexually-oriented material should not significantly impact the nature of the retail operation if such material is effectively separated from other merchandise. If this material were separated, these businesses could continue to provide general retail services to a diversity of customers while still providing sexually-oriented materials to their adult customers.

## Summary of Exterior Conditions

Name	Weekday Closing	Weekend Closing	Sunday Closing	Building Exterior Condition	Premises Exterior Cleanliness	Surrounding Land Uses	Parking Adequacy	Lighting Exterior Condition	Age Limit Signage	Exterior Adult Use Signage	Front Entrance Monitoring
The 1100 Club	2:00am	2:00am	2:00am	Poor	Poor	R,M	Good	Fair	None	None	Good
Barrel of Dolls	2:00am	2:00am	Closed	Good	Very Good	R,M,C,RR	Very Good	Good	No	YES	Fair
Bottoms Up Boutique	9:00pm	10:00p	6:00pm	Fair	Poor	C,R	Poor	Good	No	No	Excellent
CC Video	10:00p	11:00p	10:00p	Excellent	Excellent	C	Excellent	Very Good	No	No	Very Good
Cher's Lounge	7:00pm	7:00pm	Closed	Good	Good	C,R	Fair	Good	No	No	Very Good
Cordial Lounge	2:30am	2:30am	2:30am	Good	Fair	R,C	Very Good	Poor	Yes	Yes	Good
ELAB Boutique	5:00pm	5:00pm	Closed	Good	Good	C,R	Poor	Good	No	Yes	Fair
Erotica Lingerie	7:00pm	5:00pm	Closed	Good	Good	C,M	Very Good	Good	No	No	Good
Exotic Video	9:00pm	9:00pm	6:00pm	Good	Good	C,R	Excellent	Excellent	No	Yes	Very Good
Gentleman=s Park Place	2:00am	2:00am	Closed	Excellent	Excellent	M,R	Excellent	Excellent	No	No	Excellent
Hudson Video and News	24 hour	24 hour	24 hour	Good	Good	C,R	Very Good	Fair	No	Yes	Very Good
Lusty Life	24 hour	24 hour	24 hour	Fair	Poor	C,M,R	Good	Fair	No	Yes	Good
Lyell News and Video	9:00pm	5:00pm	Closed	Very Good	Good	C,R, S	Excellent	Excellent	Yes	No	Excellent
Mirage Palace	2:00am	2:00am	Closed	Good	Good	R,C,TP,M	Good	Fair	None	Yes	Excellent
Monroe Show World	12:30a	12:30a	12:30 a	Poor	Fair	C, R	Excellent	Good	No	Yes	Good
Naughty & Nice	8:00pm	9:00pm	5:00pm	Good	Good	C,R	Fair	Good	No	No	Very Good
Northend News	24hour	24hour	24hour	Fair	VeryGood	C,R	Poor	Good	No	Yes	Excellent

Name	Weekday Closing	Weekend Closing	Sunday Closing	Building Exterior Condition	Premises Exterior Cleanliness	Surrounding Land Uses	Parking Adequacy	Lighting Exterior Condition	Age Limit Signage	Exterior Adult Use Signage	Front Entrance Monitoring
Oak Tree Lounge	2:00am	2:00am	2:00am	Very Good	Very Good	R,C	Fair	Good	No	No	Very Good
Outlandish Videos & Gifts	10:00p	10:00p	5:00pm	Excellent	Excellent	C	Very Good	Very Good	No	No	Good
The Pride Connection	9:00pm	9:00pm	6:00pm	Excellent	Excellent	C,R	Fair	Good	No	No	Excellent
State Street Video	24 hour	24hour	24hour	Fair	Poor	C,G	Poor	Fair	No	Yes	Excellent
Times Square Books	24 hour	24 hour	24 hour	Very Good	Very Good	C,R,CD	Fair	Good	Yes	Yes	Fair
Wildside Leather & Lace	7:00pm	6:00pm	Closed	Excellent	Excellent	C,R	Very Good	Very Good	No	No	Very Good
World Wide News	11:30p	11:30p	11:30p	Good	Fair	C,R	Good	Very Good	No	No	Good

**Surrounding Land Uses:**

C=Commercial CD=Cultural District G=Government Offices M=Industrial R=Residential RR=Railroad S=School



### Summary of Interior Conditions

Name	Interior Condition	Operations & Merchandise	Viewing Booths	Condition of Booths	Booth Door Size	Monitoring of Booths	Lighting of Booths	Loitering	Alertness of Staff	Observation of Drugs or Prostitution	Comfort of Site Visitor
The 1100 Club	Poor	JB	Lap Dance	Poor	None	No	Fair	No	Very Good	No	Poor
Barrel of Dolls	Very Good	TB	No	NA	NA	NA	NA	Yes	Good	No	Very Good
Bottoms Up Boutique	Fair	V,N,O	No	NA	NA	NA	NA	Yes	Very Good	No	Poor
CC Video	Excellent	V	No	NA	NA	NA	NA	No	Very Good	No	Excellent
Cher's Lounge	Fair	L,V,O	No	NA	NA	NA	NA	No	Very Good	No	Excellent
Cordial Lounge	Poor	TB	No	N/A	N/A	N/A	N/A	Yes	Fair	Yes	Fair
ELAB Boutique	Very Good	V,N,O	No	N/A	N/A	N/A	N/A	No	Good	No	Very Good
Erotica Lingerie	Very Good	L,V,N,M,O	No	N/A	N/A	N/A	N/A	No	Good	No	Excellent
Exotic Video	Good	V,N,M,O	No	N/A	N/A	N/A	N/A	No	Fair	No	Good
Gentleman's Park Place	Excellent	TB	Lap Dance	Excellent	None	Fair	Fair	No	Excellent	No	Excellent
Hudson Video and News	Very Good	V,VB,N,M	12	Good	3/4	Good	Fair	No	Excellent	No	Very Good
Lusty Life	Good	V,VB,N,M	8	Poor	3/4	Very Good	Poor	Yes	Very Good	No	Poor
Lyell News and Video	Excellent	V,N,M,O	No	N/A	N/A	N/A	N/A	No	Excellent	No	Excellent
Mirage Palace	Very Good	TB	No	N/A	N/A	N/A	N/A	No	Excellent	No	Very Good
Monroe Show World	Excellent	V,N,M,O	No	N/A	N/A	N/A	N/A	No	Excellent	No	Excellent
Naughty & Nice	Good	L,N,O	No	N/A	N/A	N/A	N/A	No	Very Good	No	Excellent
Northend News	Very Good	V,VB,M,N	10	Good	3/4	Good	Poor	No	Excellent	No	Excellent

Name	Interior Condition	Operations & Merchandise	Viewing Booths	Condition of Booths	Booth Door Size	Monitoring of Booths	Lighting of Booths	Loitering	Alertness of Staff	Observation of Drugs or Prostitution	Comfort of Site Visitor
Outlandish Videos & Gifts	Excellent	V,N,M,O	No	N/A	N/A	N/A	N/A	No	Good	No	Excellent
The Pride Connection	Excellent	V,N,M,O	No	N/A	N/A	N/A	N/A	No	Excellent	No	Excellent
State Street Video	Fair	V,VB,N	14	Poor	3/4	Good	Poor	Yes	Very Good	No	Poor
Times Square Books	Very Good	V,VB,BB,N,M,O	8	Poor	3/4	Fair	Poor	Yes	Fair	No	Poor
Wildside Leather & Lace	Excellent	L,N,O	No	N/A	N/A	N/A	N/A	No	Good	No	Excellent
World Wide News	Very Good	V,M	No	N/A	N/A	N/A	N/A	Yes	Very Good	No	Excellent

**Operations and Merchandise:**

V=Videos VB=Video Viewing Booths BB=Buddy Booths M=Adult Reading Material N=Adult Toys/Novelties L=Lingerie TB=Topless Bar JB=Nude Juice Bar O=Other Merchandise

## The 1100 Club

1100 JAY STREET  
ROCHESTER, NY

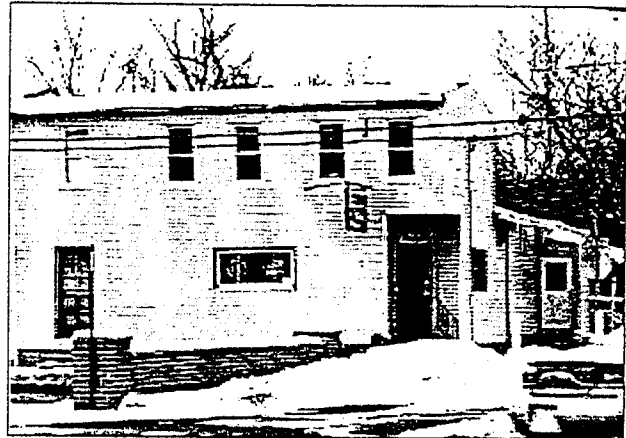
Number of inspections: 6

Category: Nude Juice Bar

**General Description:** Two story frame building located in an M-Manufacturing district.

**Business Location and Neighboring Land Uses;**

The 1100 Club is a nude juice bar that fronts on Jay Street. The property is located in a fairly depressed area and is surrounded on two sides by an office park and a trucking terminal. There are residential uses immediately adjacent to the remaining sides of the property.



**Exterior of Premises:** The building is a two-story, vinyl-sided frame structure that is run down and unattractive. There appear to be two entrances, however, the front entrance is not usable. The patrons use a side entrance that is in poor condition. There are approximately three or four unmarked parking spaces to the rear of the structure. Mostly, patrons park on the street. There was never a problem locating parking during the site visits.

Signage consists of a small projecting sign on Jay Street approximately 2'x3', advertising the 1100 Club. There are also neon beer signs in the windows. None of the exterior signage identifies the premises as a sexually-oriented business. The signage on this business is not excessive.

**Interior of the Premises:** The interior is dark and the layout is confusing. The interior of the premises is also dirty and unkempt. It is divided into two main areas consisting of the bar area and main dancing area. There are two approximately 4'x4' private booths located off the dance area. The booths do not have doors on them, but they do have beaded curtains. There are two seats in each booth for lap dancing. Signs are located in the entrance area that indicate, "Private Lap Dancing is available for \$20.00."

**Operations:** The 1100 Club is a nude juice bar with nude female dancers performing on a main stage and lap dancing in private booths. Lap dancing is promoted with signage at the main entrance and also by solicitation of customers by the dancers. There are no separations between the main stage and the customers. Therefore, physical contact occurs between the customers and dancers. The 1100 Club's customers were males 20 - 70 years of age. No alcohol is served. The hours of operation were not posted, although the bartender indicated that the business was opened from noon until 2:00 am. On one Saturday evening, we found the business closed during these hours. There are cover charges whenever the bar is open, however, the cover charge varies depending on who is on duty. The bar is located at the entrance with a bartender monitoring who enters the establishment and collecting the cover charge.

**Summary Contents:** This is a nude juice bar that is poorly maintained and promotes lap dancing. The establishment gave us an uncomfortable feeling in part due to the poor condition and uncleanliness of the building and in part due to the unfriendliness of the clientele and management of the club.

## Barrel of Dolls

169-173 ANDERSON AVENUE  
ROCHESTER, NY

Number of Inspections: 6

Category: Adult entertainment establishment

**General Description:** The Barrel of Dolls is as a tavern with live entertainment, featuring topless female dancers.

**Business Location and Neighboring Land Uses:** The Barrel of Dolls fronts on Anderson Avenue and is located in an M Manufacturing-Industrial District. Industrial uses located

across Anderson Avenue, include a cabinet maker, asphalt business, vacant industrial building and railroad property. The rear of the property abuts an R-3 residential zoning district and residential uses. The residential properties are fairly well maintained and the neighborhood appears to be stable. Commercial uses are also located across Anderson Avenue in adapted industrial structures.

**Exterior of the Premises:** The premises are well maintained, although non-contributing to the neighborhood. Adequate on-site parking was available in a lot with approximately 20 spaces. Exterior signage is minimal and consists of a wall sign advertising "the Barrel". A smaller wall sign on the lower portion of the building advertises "Barrel of Dolls, Live Entertainment". The exterior of the premises is well lit.

**Interior of the Premises:** The interior consists of a main bar area with a raised stage. A pool table was located in a smaller side alcove. A number of video game machines are available. A separate changing room for the dancers was adjacent to the stage. Although the entrance is visible by the bartenders on duty, no controls are in place. The license was in the front window of the premises. The interior was clean, spacious and adequately lit.

**Operations:** Continuous topless dancing is available, Monday through Saturday from 12:00 p.m. to 2:00 a.m. Food is also served with lunch specials advertised in various newspapers. The operation appears to be well run. The entertainers and the bartenders were friendly. Physical contact between the dancers and patrons was observed during the performances. Also, the dancers hung around the bar area with the patrons when they were not performing. No lap dancing was observed during any of the site visits. There are no cover charges.

Inspectors observed people hanging out in cars in the parking lot during one of the site visits.

**Summary Comments:** The Barrel of Dolls is an adult establishment that provides continuous topless dancing. It has a fairly friendly neighborhood bar type atmosphere. Although there have been incidents reported and police calls to this location in previous years, operations and activities appeared to be well controlled during the site visits. There was no control of the physical contact between performers and customers. The establishment felt comfortable and safe to the inspectors.



## Bottom's Up Boutique

820 DEWEY AVENUE  
ROCHESTER, NY

**Number of Inspections:** 5

**Category:** General Retail Store

**General Description:** Bottom's Up is a Smoke Shop which offers a minimal selection of any merchandise and a minimal amount of sexually oriented merchandise.

**Business Location and Neighboring Land Uses:**

This property fronts on Dewey Avenue and is located in a C-2 Community Commercial District. It is adjacent to a liquor store and a Dollar Store. A Wegman's grocery is located across Dewey Avenue.



**Exterior of the Premises:** The structure is a multi-story brick row building. The first floor of the building houses commercial uses with apartments located above. The rear property line abuts an R-2 residential zoning district and residential uses. No on-site parking is available. Patrons appear to use the parking lot of the adjacent liquor store or the parking lot of the Wegman's grocery store located across Dewey Avenue. A commercial window display area runs across the first floor storefront with one neon sign advertising "smoke station" and 2 neon signs advertising "open". A small sign on the entry doors indicates hours of operation. An additional neon sign advertises Bottoms Up".

**Interior of the Premises:** The interior consists of one small room with display cases. Very few items are displayed. It appears that the business has very small inventories of any merchandise. A back room is separated from the display area and is not available to the public. A video camera monitors the public area and the entrance.

**Operations:** This is a small storefront operation that sells paraphernalia for pipes and smoking. One display case held an adult video and a few sex toys. Merchandise in two other showcases included incense bowls, bongos, crack pipes, screens, detoxifying products and lab equipment. The interior is not well maintained or attractive. The inspectors did not feel comfortable or safe which was due to the perception that something else was going on because of the small amount of merchandise displayed.

In addition, the attendants were not friendly. The inspectors observed homeless people drinking from a brown paper bags and loitering in front of the store.

**Summary Comments:** The inspectors did not feel comfortable nor safe in this business despite the fact that less than 10% of the stock was devoted to sexually oriented material.

## CC Video

1771 EAST AVENUE  
ROCHESTER, NY 14610

Number of Inspections: 2

Category: Video rental store.

**General Description:** CC Video is a small video rental operation with less than 10% of its stock devoted to sexually oriented videos. The sexually oriented material is separated from the non-adult material and has controlled access.

### Business Location and Neighboring Land

**Uses:** The property fronts on East Avenue and is located in C-2 Community Commercial District. Two other commercial uses are located in the same structure; the Stereo Shop and a cellular phone business. Commercial uses are located along East Avenue including restaurants, Wegmans, McDonald's, a fitness center, bar, florist, bridal shop and small strip plaza. A church is immediately adjacent to CC Video.



**Exterior of the Premises:** CC Video is one of three storefronts housed in a single story brick structure. Signage consists of one awning sign consistent with the adjacent uses, advertising the name of the business. A neon "open" sign is located in the front window along with various temporary signs with hours and new release information. There is no XXX signage anywhere on or in the building.

A large parking lot with approximately 50-75 spaces is located in the rear of the structure and is shared with the surrounding uses. Parking was adequate during both site visits. The property is clean and well maintained.

**Interior of the Premises:** The interior consists of one large narrow room with a front and rear entrance. Most of the videos are located in the front half of the room. The sexually oriented videos are enclosed in a separate area located in a rear corner of the room. Signage is located at the entrance to this area indicating that it contains adult material and no one under 21 is admitted. A minimal number of sexually oriented videos are located in this room. Site inspectors estimate that less than 10% of the business is devoted to sexually oriented material. The interior is clean and well lit. Merchandise is displayed professionally.

**Operations:** This appears to be a family video store. It is well managed and controlled. Few people realize that sexually oriented videos are available. The business carries no sex toys or novelties. Hours of operation are Sunday-Thursday 10a.m. - 10:00p.m. and Friday and Saturday 10:00a.m. - 11:00p.m.

**Summary Comments:** This is a well run non-adult video store that has a small section of sexually oriented videos that is completely separated from the non-adult material. The operation has no negative impacts on the surrounding uses or neighborhood.

## **Cher's Lounge**

1141 CULVER ROAD  
ROCHESTER, NY

**Number of Inspections:** 5

**Category:** General retail business.

**General Description:** Lingerie shop that carries adult videos and novelties but has less than 5% of its stock devoted to sexually oriented material.

### **Business Location and Neighboring Land**

**Uses:** Cher's fronts on Culver Road and is located in a C-1 Neighborhood Commercial District. The rear lot line of this property abuts an R-2 Residential zone and residential uses. An R-2 Residential zone is also located directly across Culver Road, however, commercial uses are housed in converted residential structures on that frontage. There are other commercial uses adjacent to Cher's typically with apartments upstairs. The property is located in a mixed use neighborhood that also includes a church and single family homes.



**Exterior of the Premises:** Cher's is housed in a two story row building with commercial uses on the first floor, apartments on the second floor. The property is fairly well maintained. The window displays are cluttered. There is no on-site parking. Signage consists of a wall sign advertising "Cher's California Intimates". None of the exterior signage indicates that adult material is available. One front entrance is available for public use.

**Interior of the Premises:** The interior of the store consists of a long narrow rectangular room. A small back room for employees only is used for storage. The layout is very cluttered and cramped. Inventory consists of a mix of merchandise although most of it is lingerie and dancewear. None of the sexually oriented merchandise is separated from the general retail merchandise. A very small back corner contains a few adult videos. A very limited amount of adult toys and novelties are also available.

**Operations:** The hours of operation are Tuesday-Saturday from 1:00 p.m. to 7:00 p.m. It is closed Sunday and Monday. It appears to be a well run operation. Cher's advertises in the XXX magazine, although there is nothing on the exterior of the building that would indicate that they have adult toys, novelties or videos. During one site visit, a male was in the back corner going through the adult videos.

**Summary Comments:** This is a lingerie shop that caters to exotic dancers. Less than 5% of the inventory is devoted to adult material, videos, toys and novelties. The inspectors reported feeling safe and comfortable in the store. There were no observed negative impacts on the neighborhood or surrounding uses caused by this operation.

## Cordial Lounge

392 LYELL AVENUE  
ROCHESTER, NY 14610

**Number of Inspections:** 5

**Category:** Adult Entertainment  
Establishment.

**General Description:** The Cordial Lounge is a non-conforming adult use that was grandfathered in the C-2 zoning district. It is a bar with live entertainment featuring topless female dancers.



### **Business Location and Neighboring Land**

**Uses:** The Cordial is located in a C-2 Community Commercial District. It is adjacent to an auto repair/gas station. Across Lyell Avenue are various commercial uses. The rear of the property abuts an R-2 residential zoning district. This is a high traffic commercial area.

**Exterior of the Premises:** The Cordial Lounge is housed in a two story frame structure that is fairly well maintained on the exterior.

A wall sign advertises topless, exotic dancers and the name of the restaurant and bar. A large billboard is attached to one side of the structure currently advertising the Open Door Mission. Various small window signs are in the front of the property. The window signage is unattractive and makes the premises appear uninviting.

The building is surrounded on two sides by a parking lot and is adjacent to an auto repair business. The 8-10 on-site parking spaces appear to be adequate for the operation. However, patrons also park on the gas station property after hours.

**Interior of the Premises:** Customers enter into the main bar area which is monitored by the bartender and controlled with a separate cashier station. A large raised stage/dancing area is located off the bar area. The interior is not well kept. It is dirty and dark in both the bar and the dancing area. The bathrooms are filthy with fixtures falling off the wall.

**Operations:** Women were not allowed entry without a male escort. The operating hours are generally 12:00 p.m. to 2:00 a.m. or 9:00 a.m. to 2:00 a.m. The operation appears to be well monitored by the bartender and/or a manager taking the cover charge fees at the door. During several site visits the cover charge was collected by the bartender. While the interior may be very closely monitored, the exterior is not. During one of the site visits it was noted that a prostitute was picked up in the Cordial's parking lot. The parking lot is dark and people were observed hanging out in the cars. This area has a reputation for prostitution. Although the stage is raised there is still physical contact between the dancers and patrons. Dancers also hang out with customers between their performances.

**Summary Comments:** The parking lots were very dark and unpatrolled. Prostitution and loitering was observed. Accordingly, the site inspectors reported feeling uncomfortable. Furthermore, some of the activity of the patrons appeared suspicious although no drug activity was directly observed. There was no control over physical contact between customers and performers.



## ELAB Boutique

4373 LAKE AVENUE  
ROCHESTER, NY

**Number of Inspections:** 4

**Category:** General Retail Store

**General Description:** Elab is a smoke shop with sexually oriented merchandise. Elab also advertise "Adult Toys" on the exterior signage.

### **Business Location and Neighboring Land**

**Uses:** The Elab Boutique is located on the corner of Lake Avenue and Stutson Street. It is located in a C-2 Community Commercial district and is classified as a general retail store. Elab is located in a high traffic commercial district and is adjacent to several commercial uses. Across Lake Avenue is a gas station and convenience store.



**Exterior of the Premises:** The business is located in a 2 story brick storefront building with commercial uses on the first floor and apartments above. The structure is adequately maintained although the store fronts are unattractive and in need of updated facades.

One on-site parking space is available in the rear of the building and is generally used by employees. Site inspectors had difficulty in locating parking during the site visits.

The signage is excessive. There are five neon signs advertising the name of the store, "Smoker's Boutique" and "Open". The entrance door is glass with advertising indicating the hours and business name. A projecting sign from the second story advertises the business and "adult toys". Another sign indicates parking is in the rear of the building. Signage also indicates that adult toys and videos are available. Non adult material is visible through the windows.

**Interior of the Premises:** The interior of the building consists of one long rectangular room. One back corner of this room contains adult videos, toys and novelties. The major portion of the business interior was devoted to smoke shop related and general merchandise including t-shirts, incense, mugs, lighters, cards, pipes and knives.

**Operations:** Elab is mainly a smoke shop although it does advertise sexually oriented material. It is open Monday-Friday from 10:00 a.m. to 5:00 p.m., Saturday from 11:30 a.m. to 5:00 p.m. During one of the site visits the lights were on but the door was locked. The interior of the property is clean and well organized. This is a fairly busy operation with the sexually oriented material occupying a small percentage of floor space. However, this material is not separated from the non-adult items nor did it appear to be well monitored or controlled during the site visits.

**Summary Comments:** This appears to be a well managed smoke shop with a small percentage of the operations dedicated to adult videos, toys and novelties. The sexually oriented items should be separated and monitored. Signage is excessive.

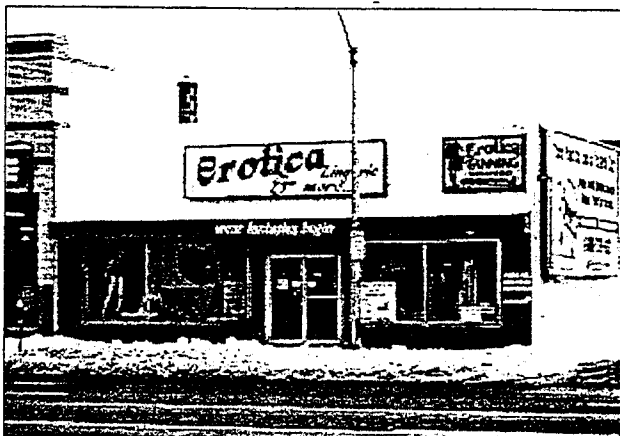
## **Erotica Lingerie**

**491 WEST RIDGE ROAD  
ROCHESTER, NY**

**Number of Inspections:** 5

**Category:** Lingerie and adult novelty store

**General Description:** Erotica is a lingerie shop that carries swimwear, exotic dance outfits, gowns, leather products, adult toys, gag gifts, naughty novelty candies, X-rated movies, greeting cards, lotions and custom gift baskets. The business caters to women. There are very few x-rated movies and all adult videos, sex toys, novelties, and greeting cards are separated from the lingerie area.



**Business Location and Neighboring Land Uses:** The property fronts on West Ridge Road in a C-2 Community Commercial District. This is a high traffic commercial area. Erotica is surrounded by other commercial uses including a wood furniture store, a gas station, a fitness center and a tire store. The closest residentially zoned properties are approximately 300 feet from the subject property.

**Exterior of the Premises:** Erotica is housed in a typical commercial storefront. It is a fairly well maintained block building. The lack of professional window display gives the impression that the business is not well operated. Two businesses are housed in this building; Erotica Lingerie and also Erotica Tanning. Two wall signs advertise Erotica Lingerie and Erotica Tanning. A billboard is located on the side of the building. Several small window signs advertise various products and one vertical sign on the side of the building also advertises the business. While there isn't an extraordinary amount of signage it appears to be excessive and cluttered. Parking is located in the rear of the building. It is shared with the other businesses located on the block and was more than adequate during all site visits.

**Interior of the Premises:** The lingerie is located in the front of the building adjacent to the streetfront windows. The adult material is behind opaque walls in a small separate room that is controlled by the cashier. The tanning business is located in the rear of the building and consists of a small office and a tanning room. A front and a rear entrance provide access to the store.

**Operations:** It appears to be a well controlled and run operation with a minimum amount of adult material. The main business is the tanning booths and the lingerie sales. It is a clean and comfortable operation. The operating hours are Monday, 10:00 a.m. to 6:00 p.m., Tuesday, 10:00 a.m. to 7:00 p.m., Wednesday, 10:00 a.m. to 6:00 p.m., Thursday, 10:00 a.m. to 7:00 p.m., Friday, 10:00 a.m. to 5:00 p.m., Saturday 10:00 a.m. to 5:00 p.m. There are no evening hours. The lingerie is displayed in the front windows. None of the sexually oriented material is visible through the windows.

**Summary Comments:** This appears to be a well run operation that caters to women with gag toys, lingerie and a very minimal amount of sexually oriented material. The window display and signage could be more professionally prepared. Although there is a minimal amount of sexually oriented material, including sex toys, it does not dominate the operation.

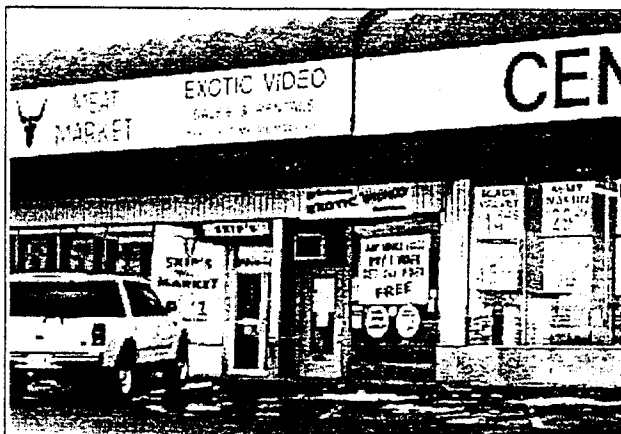
## Exotic Video

668 WEST RIDGE ROAD  
ROCHESTER, NY

Number of Inspections: 5

Category: Adult book/video store.

**General Description:** This is clearly an adult book and video store as is evidenced from the number of racks and floor area devoted exclusively to sexually oriented videos and publications. There are no viewing booths on the premises



### Business Location and Neighboring Land

**Uses:** This property is located in a C-2 Community Commercial District and is adjacent to an M-Manufacturing District and an R-2 Residential District. The business is located in a strip plaza fronting on West Ridge Road. Other uses in the plaza include a meat market, liquor store, restaurant, bowling alley, fitness center, florist, and hair salon. Kodak Park, a major industrial facility, is located across West Ridge Road.

**Exterior of the Premises:** In general, the plaza is well maintained. The signage for this particular business is excessive. Paper signage in the front window far exceeds the 20% coverage allowance. A combination of canopy signage, wall signage and window signage advertise adult videos as well as non-adult stock.

Parking is adequate and is shared with other plaza tenants.

**Interior of the Premises:** The business is housed in one long narrow room. The cashier is located at the front of the store by the entrance. Non-adult material, consisting of beanie babies, magazines and books, appears to be minimal and is located at the front corner of the store near the entrance.

**Operations:** While this business maintains that it is non-adult it is readily apparent that it is, in fact, a sexually oriented business. Inspectors estimate the sexually oriented merchandise to be at least 85%-90% of the stock in trade.

The non-adult material was generally outdated and non-adult paperbacks appeared to be used. Prices for the non-adult merchandise were quite high.

The use is well monitored by the cashier located at the front entrance. The premises felt comfortable and safe. It is open Monday through Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 12:00 p.m. to 6:00 p.m.

**Summary Comments:** This is clearly a sexually oriented business and should be regulated as such. Sexually oriented merchandise was readily available to any person entering the store and there were no signs limiting entry to adults only. Thereby allowing the potential for exposure of sexually oriented material to non-adult customers.

## Gentleman's Park Place

1485 MT. READ BLVD.  
ROCHESTER, NY

Number of Inspections: 6

Category: Nude juice bar

**General Description:** This club features nude female dancers. Due to the nudity no alcohol is permitted.

### Business Location and Neighboring Land

**Uses:** The property is located in an M-Manufacturing District. It is surrounded by typical industrial buildings and uses. Residential uses are located within a 1000 foot radius, approximately 750 feet from the subject property. This area is well maintained.



**Exterior of the Premises:** The structure is a large, well maintained single story block building that was originally a restaurant. There is a 40 space parking lot at the front of the building. There is one wall sign that reads "Gentlemen's" while individual letters spell out Park Place. A canopy is over the entrance of the building and there are awnings over the front windows. Activities are not visible from the exterior of the building.

**Interior of the Premises:** A cashier is located at the main entry way. A hallway leads to the bar and restaurant with a fireplace, pool table and large screen TV. To the right of the main entrance is a large dance area with a stage surrounded by tables. Other rooms are located off the main stage for employees and dancers. A kitchen also exists for noon time food preparation.

**Operations:** This business operates Monday, Tuesday and Wednesday from 5:00 p.m. to 2:00 p.m. , Thursday and Friday from 11:30 a.m. to 2:00 a.m. and Saturday from 6:00 p.m. to 2:00 a.m. A lunch buffet is available on Fridays and the bar serves only juice, teas, coffee and sodas. There is an admission charge. The entrance is well monitored. It is a very attractive clean operation. The stage, although somewhat raised, provides no barrier between the dancers and the customers. Consequently, a great deal of physical contact occurs. In addition, the DJ announces that lap dancing or private viewings are available. Screens or partitions are located around the exterior walls of the main dancing area. Customers pay to go behind the screens with the dancers. The private sessions were advertised for \$20.00. Some of the dancers appeared to be very young and under 21 years of age.

The club felt safe and comfortable. The managers and employees were very friendly and made a point of talking to customers. Neither the bar or the dance area was very crowded during any of the site visits. There were a maximum of 15-20 patrons at any time with the average number around 5 patrons.

**Summary Comments:** This operation is very well run and the building is very well maintained. Customers are encouraged to touch and to tip the dancers. It is a very low key environment. The management really pushed the lap dancing and private viewings. It may be more accurate to classify the operation as exposure of body parts rather than dancing.

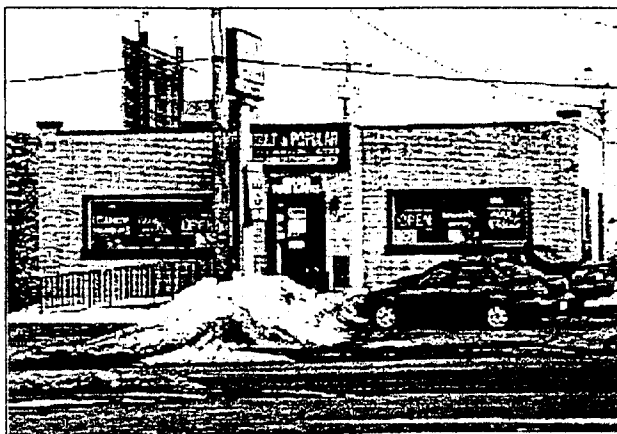
## Hudson Video and News

1462 HUDSON AVENUE  
ROCHESTER, NY 14610

Number of Inspections: 5

Category: Adult book/video store with video viewing booth

General Description: Hudson Video & News claims to be a non-adult bookstore, however, inspections revealed that it is clearly a sexually oriented business. It is estimated that 75% of the business is devoted to sexually oriented material based on the number of racks and floor space used exclusively to display and stock such materials.



Business Location and Neighboring Land Uses: The property fronts on Hudson Avenue and is located in a C-3 General Commercial District. Hudson Avenue is a minor arterial with relatively high traffic volumes. Commercial uses in the immediate area include an auto repair garage with which the subject use shares off street parking and a Medicab Service located across the street.

Exterior of the Premises: The business is housed in a one story brick building with both a front and side entrance. The front entrance is always open while the side entrance is locked during the evening hours and controlled by the cashier. The exterior of the building is well maintained.

Parking appears to be adequate with 3 or 4 spaces located in front of the building together with the several spaces that are shared with the auto repair garage.

Signage is excessive. A pole sign advertises adult and popular videos and books. A wall sign advertises adult and popular video, magazines, books, tobacco, candy, gifts. In addition, neon window signs advertise adult videos, open, candy, novelties and adult viewing booths.

Interior of the Premises: The interior consists of two fairly large display rooms that are visible from a centrally located cashier's desk and a back room containing viewing booths. The interior of the premises is also well maintained. There were 10-12 booths approximately 4' x 4' in size. Each booth had a bench and either a full or 3/4 length door. The viewing booth room was under construction at the time of the site visits. Overall, the interior was clean, well lit and well maintained.

Operations: This is a 7 day/24 hour operation that appeared to be fairly well controlled and monitored. The viewing booth room is monitored by a cashier and tokens are required for entry. The cashier, on each occasion, would not allow women into the booths because of previous problems experienced when doing so. "Buddy Booths" are available.

There was an apparent attempt being made to separate the non-adult from adult material. However, there was an area where adult material and children's's books were located side by side. Also of note was that non-adult newspapers, magazines, cookbooks and videos were very outdated and very high priced. Some of the outdated non-adult videos were selling for \$94.00. It appeared very clear that they were not in business to sell non-adult material. Sexually oriented merchandise ranged from magazines and videos to a full range of toys, dolls, and sexual novelties.

Employees were friendly and materials were well displayed

Summary Comments: Hudson Video and News is unquestionably a sexually oriented business. They appear to run a fairly decent operation, despite portraying themselves as a non-adult business. It is estimated that their stock is approximately 75% sexually oriented and their sales of sexually oriented material even a higher percentage due to the outdated nature and high prices of the non-adult material. Exposure to adult material by minors is possible because of their display practices.

## Lusty Life

95 WEST RIDGE ROAD  
ROCHESTER, NY

Number of Inspections: 5

Category: Adult book/video store with video viewing booths

**General Description:** Lusty Life is a sexually oriented business opened 7 days/24 hours offering a full range of sex toys, novelties and videos along with video viewing booths. The business has been grandfathered into the C-2 Commercial District in which it is located.



### Business Location and Neighboring Land

**Uses:** Lusty Life is located on an irregularly shaped property that fronts on both Ridge Road and Lake Avenue. It is located in a C-2 Commercial District that does not typically permit adult uses. Kodak Park and car dealerships are located across Ridge Road. A vacant Boston Market is located across Pullman Avenue on the corner of Lake Avenue and Ridge Road West.

**Exterior of the Premises:** The business is housed in a one story block building with one front entrance for the public. The exterior of the building is painted black. The main wall sign advertises "Lusty Life Toys for Lovers". Several neon window signs display various messages. Although the signage is not excessive, it is attention-getting and incompatible with existing signs in the area. A small parking area in the front of the building accommodates a maximum of 6 cars. A few parking spaces are available along the side of the building. The parking appeared to be adequate during all of the site visits. The property was fairly clean and appeared well maintained but was unattractive and incompatible with the surrounding uses.

**Interior of the Premises:** The interior rooms were clean and well lit. A main room displays videos, magazines, toys and novelties. A back room houses the video viewing booths and a small alcove off the main display area houses most of the toys and novelties. The interior is very well monitored by a centrally located cashier. Less monitoring occurred in the viewing booth area. There were 8 video viewing booths approximately 3' x 3' in size each with one bench. The doors on the booths were 3/4 length.

**Operations:** The business appeared to be well monitored on the interior. However, two of the female inspectors were followed outside by a male customer and solicited in the parking lot. The cashiers were unfriendly especially to the female inspectors. Women were not allowed in the booth area. The cashiers claimed that the City would not allow women in the viewing booth area. The booths were not clean. However the attendants appeared to be ready to clean them during one of the site visits. This is a 7 day, 24 hour operation that also sells on the Internet and takes phone orders. The inspectors reported feeling uncomfortable in this business.

**Summary Comments:** While this is a fairly well maintained business, the operation has a negative impact on the neighborhood due to the building appearance and signage as well as solicitation that occurs on the premises. The viewing booth area is not clean. Limiting access to women reflects knowledge that booths are used for sexual purposes. This component of the operation adds an overall seediness to the operation.

## Lyell News and Video

1322 LYELL AVENUE  
ROCHESTER, NY

Number of Inspections: 5

Category: General retail store.

**General Description:** Lyell News and Video is one of several stores in a strip shopping center. It is treated as a general retail store because less than 50% of its stock, sales and floor space is devoted to sexually oriented material.



**Business Location and Neighboring Land Uses:** Lyell News and Video is located in one story shopping center that fronts on Lyell Avenue. The property is located in a C-2 Community Commercial District and is adjacent to a M Manufacturing-Industrial District. Directly across Lyell Avenue is a school. Although residences are located within 1000 ft. of the property they are across a major arterial street.

**Exterior of the Premises:** The shopping center is well maintained. A large parking lot is situated in the front of the plaza and was observed during the site visit to be more than adequate to meet the parking needs. Signage for this business is excessive. Numerous wall signs advertise "Lyell News", and also videos, lotto, Quick Draw, and cigars. Several ATM signs are located on the exterior building walls and additional signs are on the canopy. None of the signage advertise an adult use or sexually oriented materials.

**Interior of the Premises:** The layout of this business has been very well designed. An entry door leads into a foyer. Two entrances are located in the foyer. One is clearly marked as adult with no one under 21 admitted. The other door is clearly indicated for general retail merchandise. The interior of both sides are clean and well lit. Merchandise is displayed professionally. Both sides of the operation have a cashier counter located near the entrances.

**Operations:** The adult portion of this business contained one large rectangular room that has a cashier counter immediately adjacent to the entrance and door. It is very well monitored and controlled. The non-adult side also has a cashier located immediately adjacent to the entrance door behind a long display counter. Both sides are well lit, and nicely displayed. Although there is clearly sexually oriented merchandise, it is less than the 50% of the business, and therefore this operation is classified as general retail. The non-adult floor area is somewhat larger than the adult floor area. This business advertises in the XXX magazines but exterior building signage does not advertise sexually oriented material. The business operates Monday-Friday from 9:30 a.m. to 9:00 p.m.; Saturdays from 9:30 a.m. to 5:00 p.m., and closed on Sundays. There are no video viewing booths.

**Summary Comments:** This is a well run business that is just under the 50% rule applying to sexually oriented material. The physical separation of sexually oriented merchandise from general retail allows this business to function as a neighborhood business.

## Mirage Palace

414 WEST RIDGE ROAD  
ROCHESTER, NY

Number of Inspections: 7

Category: Adult entertainment establishment.

General Description: Pre-existing nonconforming tavern with live entertainment featuring topless female dancers.

### Business Location and Neighboring Land

Uses: The building fronts on West Ridge Road, a major arterial, and is located in the C-2 Community Commercial District. It is surrounded by commercial uses including a bank, a bar, and a Chinese restaurant. Kodak Park, a major industrial facility is located within two blocks of the premises. There are no residential uses in close proximity to this property.

Exterior of the Premises: The use is housed in a one story brick building in fairly good condition. Two doors front on West Ridge Road with one clearly marked as the entrance. Opaque windows are on the front facade.

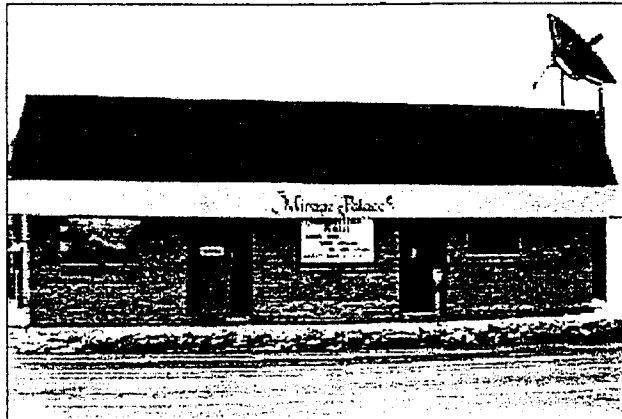
Signage is not excessive. A canopy sign advertises Mirage Palace and a smaller changeable message board on the front wall advertises "Rochester's finest babes from your dreams on our stage, Happy Hour 4-8".

There is no on site parking. Parking is shared with the adjacent bank property. Additional parking lots are located nearby to the north this building. Parking, both on-street and off-street, appeared to be adequate.

Interior of the Premises: The interior consists of one large room with a raised center stage. The stage has a low railing. Individual tables are scattered throughout the room and the bar is located in the far front corner. It is fairly dark, but the interior appeared to be well maintained and clean. There were no booths or private viewing areas.

Operations: This business appears to be well run and professionally managed. Customers appear to be mostly in groups rather than alone. The entrance to the premises was strictly controlled by a bouncer during most of the visits. No women were allowed in unless escorted by a male. The hours of operation are Monday-Thursday from 3:00 p.m. to 2:00 a.m., Friday from 11:30 a.m. to 2:00 a.m., Saturday they open from 4:00 p.m. to 2:00 a.m. It is closed on Sundays. Physical contact between customers and the dancers occurred even though a railing separates the stage from the customers. Lap dancing was performed openly in the main bar area. The dancers and bartenders were friendly. Very few women were in the bar.

Summary Comments: This appears to be a fairly well run topless bar. Lap dancing was performed openly off the main stage area at private tables. However, the inspectors indicated that they felt safe and comfortable. People were generally in groups as opposed to singles creating a party atmosphere.





## Monroe Show World

585 MONROE AVENUE  
ROCHESTER, NY 14607

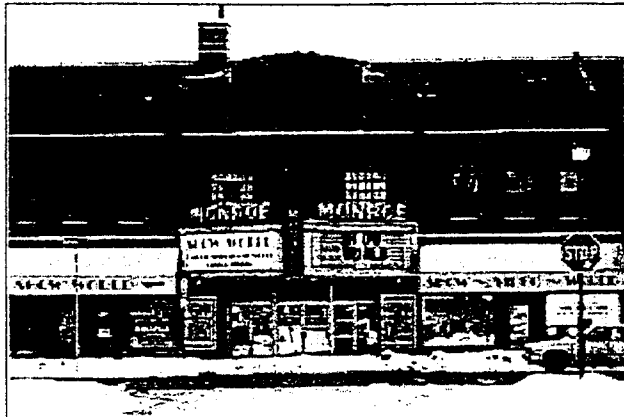
Number of Inspections: 5

Category: Adult video store.

**General Description:** An adult video store claims to have less than 50% of its business devoted to sexually oriented material.

### Business Location and Neighboring Land

**Uses:** The business fronts on Monroe Avenue and is located in a C-2 Community Commercial Zoning District and is also within the Overlay Monroe Avenue Design District (O-MAD). The rear of the property abuts an R-3 Residential Zoning District. Commercial uses are located adjacent to and across Monroe Avenue from the subject property including restaurants, a liquor store, a video store, a Bagel store, a bank, and various boutiques. The Monroe Avenue corridor is a heavily traveled thriving commercial district characterized by its unique shops, boutiques and restaurants.



**Exterior of the Premises:** Monroe Show World is located in an old brick movie theater. The structure is historically significant. However, the owner has painted the exterior a variety of bright colors including orange, bright green and black.

The signage along the frontage is excessive. Signage consists of a marquee along Monroe Avenue advertising Monroe Show World. Canopies along the frontage advertise Show World and videos. Various window signs along Monroe Avenue advertise video sales and rental. Arrows direct patrons to a small side entrance off the parking lot. The side entrance has a small entrance sign and business hours sign. The side entrance is well lit. The entrances along the frontage are not operational.

A parking lot with approximately 17 spaces appears to provide adequate parking.

**Interior of the Premises:** The interior consists of a large room with very high ceilings that previously housed the movie theater. The cashier is centrally located near the front of the room but set back from the entrance. The entrance is clearly visible from the cashier location. The cashier area consists of a glass display case that holds a variety of adult novelties. The display room is spacious, clean and very brightly lit. A small alcove off the main room that would have previously been the lobby area of the theater holds additional videos. Display racks separate the sexually oriented material from the non adult material. The non-adult uses are displayed closest to the main entrance with the adult videos located in the back portion of the room. Sexually oriented toys and novelties are located in the far corner and in the main display/cashier area.

**Operations:** This business is clearly a sexually oriented business. It is allowed in a C-2 zoning district because it maintains that less than 50% of the videos are sexually oriented. While this may be true, clearly the sales are over 50% of the business. The non-adult material is outdated and high priced. Many of the non adult videos look like they were recorded on a home VCR and labeled accordingly. The owner indicated that these videos were purchased from the local Public Broadcast Station. The business is advertised in the XXX magazines as a sexually oriented business. The operation is opened Monday-Saturday, 9:30 a.m. - 12:30 a.m., Sunday, 12:30 p.m.-12:30 a.m. The interior is clean and well lit. No suspicious activity was observed during any of the site visits.

**Summary Comments:** The interior of the business is pleasant and clean. This operation is clearly a sexually oriented despite the fact that the stock counts of non-adult material were maintained to comply with the 50% regulation. It appears that sales would not meet the 50% rule based on the observed purchases of the customers during the site visits.

## Naughty and Nice

669 MONROE AVENUE  
ROCHESTER, NY 14607

Number of Inspections: 4

Category: General Retail Business.

**General Description:** This is a small lingerie business that is located within Aaron's Alley, a general retail boutique. Less than 10% of its merchandise is sexually oriented material.

### **Business Location and Neighboring Land**

**Uses:** Naughty and Nice is located on Monroe Avenue in a high traffic commercial district. The property is zoned C-2 Community Commercial with an Overlay-Monroe Avenue Design District (O-MAD). The property is surrounded by other commercial uses including restaurants, boutiques and Poster Art, as well as residential uses. The property abuts an R-3 residential zone.



**Exterior of the Premises:** This business is housed within Aaron's Alley - another general retail business. The structure is a typical brick storefront that is fairly well maintained and typical of Monroe Avenue commercial structures. The 2nd floor of this structure houses a tattoo parlor and adult video store. One approximately 3 ft. x

6 ft. wall sign advertises "Naughty and Nice". Parking is shared with Aaron's Alley, Prime Time video and Wildside Tattoo Parlor.

**Interior of the Premises:** Naughty and Nice is a small business that is housed in an approximate 14 ft. x 20 ft. area in the rear corner of Aaron's Alley Boutique. It consists of one main display area, one smaller side display area and a couple of dressing rooms. The interior is very cramped. A cashier is located in the rear corner of the business. A display case serves as the cashier area. Within the display case is a small amount of sexually oriented merchandise.

**Operations:** This appears to be a well run operation with a minimal amount of sexually oriented merchandise. The adult material is mostly lotions, oils, whips, handcuffs and a few leather items. This business does not carry the truly offensive sex toys and novelties. Naughty & Nice is typical of the boutiques located along Monroe Avenue.

**Summary Comments:** This business is a well run operation with less than 10% of the merchandise being sexually oriented. It is very typical of the Monroe Avenue boutiques and has no known negative impacts on the surrounding uses or neighborhood.

## Northend News

490 MONROE AVENUE  
ROCHESTER, NY

Number of Inspections: 5

**Category:** Adult videos sales and rental with adult novelty shop and video viewing booths.

**General Description:** This is an adult video rental operation with video viewing booths. The entire stock of this business is adult materials, including videos, magazines, novelties and sex toys. Northend News is currently grandfathered in at this location.



### Business Location and Neighboring Land

**Uses:** Northend News is located in a C-2 Community Commercial District with the Monroe Avenue Design District Overlay (OMAD). The C-2 zone does not typically permit sexually oriented businesses. Northend News is surrounded by other commercial uses including bars, restaurants, a grocery store, a nail store, Ozzie's Restaurant and Marks Texas Hots.

**Exterior of the Premises:** The exterior of the premise is neatly kept but the facade is not compatible with other commercial facades in this design district. The structure is a typical commercial structure that once had storefront windows. These display windows have now been covered with faux brick making the exterior appear fortress-like and uninviting. Despite the inappropriate facade materials the structure is not dilapidated.

Off-street parking is not available and there appears to be no shared parking. A 3' x 3' sign clearly states adult video rental and sales. A large wall mounted sign advertises "videos, private booths, .25¢, adult magazines, and novelties. None of the signage advertises the name of the business. All signage advertises the adult aspects of the use.

**Interior of the Premises:** The interior of the premises is very well kept. The viewing booths are also well maintained. A cashier is immediately adjacent to the public entrance and strictly monitors customers. There is only one front entrance into the building for the public. A rear entrance is available for the employees.

One large rectangular room displays the adult magazines, videos, sex toys and novelties. The video booth area is located off of the main display area. The cashier monitors and controls the viewing booth operation. Tokens are required to be purchased from the cashier before entering the booth area.

**Operations:** Northend News appears to be a well run operation. It is clean and well monitored. The operator/manager is alert and monitors customers including those in the video viewing booth area at all times. They usually will not allow women into the viewing booth area. However, some cashiers/managers did allow women in the viewing booth area during the site inspections.

Signs are posted on the hallway into the viewing booths indicating that the management will not tolerate more than one person in each viewing booth or debris on the floors. The viewing booth area was clean. However, one inspection revealed tissues, cigarette butts and stains on the floor. The ten viewing booths have 3/4 doors. This is a 7 day/24 hour operation. Buddy booths are also available. Tokens are required to be purchased from the cashier prior to entering the booth area.

**Summary Comments:** This appears to be a fairly well run operation. Management seems to be fairly strict and to keep the interior clean. The exterior of the building is uninviting and site inspectors felt uncomfortable. However, once inside it felt comfortable and secure. The negative impacts on the surrounding uses are due to signage and an inappropriate facade.

## **Outlandish Videos & Gifts**

**274 NORTH GOODMAN STREET  
ROCHESTER, NY**

**Number of Inspections:** 1

**Category :** General retail business

**General Description:** Outlandish is a general retail operation that carries a small amount of sexually oriented videos, books, toys and novelties.

**Business Location and Neighboring Land Use:** Outlandish is located in a converted industrial complex known as the Village Gate. Outlandish is not visible from any street frontage since it is located in the interior of the complex. The Village Gate Mall is located in a M-Manufacturing Zone with an Overlay Residential District. Outlandish is surrounded by other commercial uses within the complex. Residential uses are within 500' of the Village Gate Complex.

**Exterior of the Premises:** Outlandish is one of many shops inside the Village Gate Mall. Village Gate Mall is an old factory building that has been adapted for use as a commercial shopping center with various shops and restaurants. Parking is shared with all uses in the mall. The business has a typical storefront with non-adult merchandise displayed in the windows.

One business identification sign is in the front window. The signage is tasteful and in keeping with the signage of other businesses in this mall. There was no exterior signage identifying or advertising Outlandish as a sexually oriented business.

**Interior of the Premises:** The interior consists of two rooms with a rear entrance off the main display area. The main display area contains various items including incense burners, t-shirts, cards, bumper stickers and general gift items. The sexually oriented material is located in a 15'x20" side room. The operation is clean and well lit.

**Operations:** The hours of operation are Monday - Saturday 12:00p.m. - 10:00 p.m., Sundays 12:00p.m. - 5:00p.m. Sexually oriented merchandise is separated from the general merchandise but without controlled access. Merchandise included t-shirts, cards, incense, bumper stickers, candles, adult videos, sex toys, and a small amount of lingerie, underwear and a few publications. It appeared to be a very clean, well run business with careful monitoring of the patrons by the cashier.

**Summary Comments:** This is a professionally run business that has no impact on the surrounding neighborhood. The separation of the small quantity sexually oriented material allows this business to operate as a general retail store. The inspector felt comfortable and safe.

## The Pride Connection

728 SOUTH AVENUE  
ROCHESTER, NY 14620

Number of Inspections: 1

Category: General retail business

**General Description:** Retail business with less than 10% of merchandise offered being sexually oriented materials.

### Business Location and Neighboring Land

**Uses:** The property fronts on South Avenue and is located in a C-2 Community Commercial zoning district. The rear of the property abuts an R-3 residential zoning district and residential uses. Other commercial uses including restaurants and a office supply/print shop are located within close proximity on South Avenue along with other residential uses.

**Exterior of the Premises:** The Pride Connection is housed in a converted residential structure. The property is well maintained. No merchandise is visible from the street frontage. There is no on-site parking. A small free standing sign approximately 2ft. x 3ft. on the front lawn advertises The Pride Connection. No XXX signage is visible from the Street R-O-W.

**Interior of the Premises:** The interior consists of 3 rooms on the first floor and one room on the 2nd floor. The building is a converted residence with little of the interior residence changed. The first floor contains mostly gifts and novelties. A side room offers a minimal amount of sexually oriented videos. However, the XXX videos are located on the second floor and access is carefully monitored by the cashier. One front entrance is available to the public.

**Operation:** This business is open Monday - Saturday 10:00 a.m. - 9:00 p.m. and Sunday 12:00 p.m. - 6:00 p.m. The Pride Connection is a well run operation. The cashier is located immediately inside the front entrance and the entire first floor is visible from the cashier area. The XXX merchandise is located on the 2nd floor and access is controlled by the cashier.

**Summary Comments:** This business was inspected once due to the fact that it was unknown that this business carried sexually oriented merchandise. It was brought to our attention during the inspection phase. It appears that this business fits well into the neighborhood and has no known negative impacts on the surrounding uses or neighborhood. It is a clean and well run operation.



## State Street Video

109 STATE STREET  
ROCHESTER, NY

Number of Inspections: 5

**Category:** Adult video/bookstore with video viewing booths

**General Description:** State Street video is a 100% adult use operation that has been grandfathered into this C-4/O-RMD Zoning District (Central Business District with Overlay River Management District)



**Business Location and Neighboring Land Uses:** The property fronts on State Street and is located in the C-4 (Central Business district) with an O/RMD (Overlay River Management District). This business is adjacent to a public parking lot and various other commercial uses including restaurants, a bookstore, and a beauty salon. It is in close proximity to City Hall, the Federal Building, the Sisters Cities Parking garage and the Crown Plaza Hotel. Since it is located in the center city core area, it is a highly visible operation.

**Exterior of the Premises:** This business is housed in a three story brick row structure. The front windows are covered with mini blinds so that the interior is not visible from the sidewalk. A fairly large wall sign advertises State Street Book Mart, adult books, magazines, and video arcade. A projecting sign advertises adult books and magazines. There is no on site parking. The overall exterior appearance is unattractive and uninviting.

**Interior of the Premises:** The main display area is well controlled. A surveillance camera monitors the main display area and a small entrance gate is monitored by the cashier. The display area is well lit and merchandise is adequately displayed. Viewing booths are located in the rear of the structure. There are 14 to 15 video booths that are approximately 3 feet by 4 feet in size. Each contains a stool and a 3/4 length door. The interior of the retail area was fairly clean. However, the video viewing booth area was filthy. Tissues were on the floors of the booths and the walls were stained.

**Operations:** The cashier closely monitors patrons entering the store. A full range of magazines and sexual toys and novelties are offered. Anyone is allowed into the video viewing booths. Tokens must be purchased from the cashier with a \$2.00 minimum purchase. The book and toy area of the operation is fairly clean. The video booth area is very dark and dirty. People were observed "hanging out" both in the video booth area and on the exterior of the premises. This business has a high number of calls for police services in the late night and early morning hours of operation.

**Summary Comments:** The exterior of this business is unattractive, and uninviting. The video viewing booth area was not clean although the display area of the store was well kept. Overall the inspectors felt uncomfortable both inside and outside of this operation. This is a very busy operation in a highly visible area of the central business district.

## Times Square Books

57 MORTIMER STREET  
ROCHESTER, NY

**Number of Inspections:** 5

**Category:** Adult book/video store with video viewing booths.

**General Description:** This business is a pre-existing nonconforming adult use that was to have been previously amortized out of existence.

### **Business Location and Neighboring Land**

**Uses:** The Time Square Bookstore fronts on Mortimer Street and is located in the C-4 Central Business District with an O-RMD Overlay River Management District. It is surrounded by parking lots, a parking garage and Gateway Receiving. Within close proximity is a church and the City's Cultural District.



**Exterior of the Premises:** The exterior of the building is well maintained and clean. Storefront windows along Mortimer Street display non-adult products. A wall sign advertises "Times Square Books". A smaller wall sign advertises "adult books" and a small neon window sign advertises candy, tobacco and newspapers. Miscellaneous window signs advertise the hours of operation. No on-site parking is available for this business. A parking lot located across Mortimer Street is used by patrons along with metered on street parking.

**Interior of the Premises:** The interior is neat and well maintained. The entrance is visible to the attendant on duty, and signage located at the entrance indicates that patrons must be at least 21 years of age. A main display room contains various books, videos and magazines as well as numerous sex toys and novelties.

A back room contains eight video booths approximately 3 ft. x 3 ft. in size with 3/4 length doors. Buddy booths are available in the viewing booth area. These booths are side by side and require occupants to insert tokens, then press a certain button for the booth window to become transparent thereby allowing the occupant visibility into the adjacent booth. The signage indicates that only one person is allowed in the booth at a time. The viewing booths were stained and dirty. A third large back room is used for storage.

**Operations:** This is a 24 hour 7 day a week operation. The inspectors observed many people loitering around the building especially during the late night/early morning hours. One female inspector was propositioned outside of the building. In addition, on one occasion the attendant on duty was giving articles away from the store with a comment that the management wanted them to be friendly to the female customers. He encouraged the female inspectors to take anything they wanted from the store.

This business was not well controlled or monitored especially during the late evening and early morning hours. Suspicious activity was observed by the inspectors.

**Summary Comments:** This business felt relatively safe and comfortable during the afternoon hours. However later in the evening suspicious activity was occurring on the site and the inspectors felt uncomfortable. Times Square Book Store appeared to be a hangout in the late night/early morning hours.

## Wildside Leather & Lace

701 MONROE AVENUE  
ROCHESTER, NY 14607

Number of Inspections: 4

Category: General retail store.

**General Description:** Wildside Leather & Lace is a general retail operation that offers mostly leather goods and exotic dance wear. Lingerie is sold along with shoes, and jewelry. There is a minimal amount of sexually oriented merchandise.



### Business Location & Neighboring Land

**Uses:** The property fronts on Monroe Avenue and is located in a C-2 Community Commercial District with an Overlay Monroe Avenue Design District (O-MAD). It is surrounded by a variety of upbeat commercial uses including restaurants and boutiques. Blessed Sacrament Church is across Monroe Avenue from the subject property. The rear of the property abuts an R-3 Zoning District and residential uses.

**Exterior of the Premises:** The operation is located in a well maintained converted residential structure. Shared off-street parking of approximately 19 spaces is available. Several small non-lit signs are mounted on the porch of the structure.

**Interior of the Premises:** All leather goods are on the second floor with dance wear, lingerie and sexually oriented novelties on the first floor. The 1st floor is one large room with the cashier located in the rear of the room. They have a very small selection of whips, lotions, vibrators and dildos. Other products include shoes, jewelry, sneakers, leather jackets and vests.

**Operations:** The hours of operations are Monday - Friday 11 a.m. - 8:00p.m., Saturday 11:00 a.m. - 6:00 p.m. and Sunday noon - 5:00 p.m. Wildside Leather & Lace is a well run operation. The sexually oriented material is estimated to be less than 10% of the floor area, stock or sales. The business does advertise their adult toys and bondage gear in the XXX magazines.

**Summary:** Wildside Leather and Lace is in keeping with the surrounding neighborhood. It appears that there are no negative impacts on the neighborhood from this operation. While sexually oriented merchandise is within view of non-adult customers, the minimal amount of sexual oriented material allows this business to operate as a typical retail store. Despite advertising in adult publications, there were no obvious impacts on the neighborhood.



## World Wide News

100 ST. PAUL STREET  
ROCHESTER, NY

Number of Inspections: 6

Category: General retail business.

**General Description:** This is a large newsstand operation with less than 10% of its stock dedicated to sexually oriented material.

**Business Location and Neighboring Land Uses:** This property fronts on St. Paul Street and is located in the C-4 Central Business-ORM Overlay River Management District.

Apartments and other downtown businesses are located across St. Paul Street from the subject property and a church is in close proximity.



**Exterior of the Premises:** The two story building is set back from St. Paul Street with a 30 space parking lot located on the front portion of the premises. Despite the number of on-site spaces, parking was difficult due to the volume of the business.

Signage is excessive. A roof sign advertises "World Wide News". An awning sign advertises the address and products such as books, magazines, newspapers, domestic and foreign. Temporary signs under the canopy sign advertise "keys made here", and "money orders sold here". Numerous window signs in the glass vestibule advertise lotto, store hours and various products. In addition, there are three pole signs located on this property which advertise the business.

The general condition of the exterior of the premises is fair. Due to the excessive signage it is not aesthetically pleasing but it is functional and effective.

**Interior of the Premises:** The interior consists of magazines and newspapers displayed in rows. A smaller back room displays books and is separate from the magazine displays. There appears to be 2 back rooms for storage. Sexually oriented material is not dispersed but rather displayed in one aisle that is not monitored nor controlled. Site inspectors observed minors in the sexually oriented section. The interior is neat, clean and well lit.

**Operations:** This is a very large newsstand operation with sexually oriented materials comprising a very small percentage of its business. Inspectors estimate it to be less than 10% of the business. This very busy operation is open seven days a week from 5:00 a.m. to 11:30 p.m. The cashiers are located at the front of the building near the entrance. They are alert and aware of the patrons entering the store. It appears to be generally well monitored. However, the adult material is not separated from the non-adult material and access to this material is not controlled.

**Summary Comments:** This is a very well maintained and operated newsstand with minimal amount of sexually oriented material. However, the adult material is not clearly separated from the non-adult material and access into the adult aisles is not controlled.

## **Legal Proceedings: Sexually-Oriented Businesses**

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The City Law Department has been involved in several legal proceedings involving sexually oriented businesses operating in the City. Records from cases which are maintained in the Law Department reveal that sexual activities are frequently conducted in sexually oriented businesses.

### **People ex rel. Johnson v. Monroe Theatre, Inc.**

In 1995, the City commenced an action in New York State Supreme Court entitled *People ex rel. Johnson v. Monroe Theatre, Inc.* (Index No. 9286/95) pursuant to the New York State Public Health Law and the Charter of the City of Rochester in order to close the premises known as the Monroe Theatre, also known as Monroe Show World, and Show World Video Store, located at 585-593 Monroe Avenue, because the premises was being used for the purposes of lewdness, assignation or prostitution. The Monroe Theatre was a movie theater in which adult movies were shown. Show World Video offered for sale adult books and videos. Video viewing booths were also maintained in both businesses. Records from this case show that sexual activity occurred in the viewing area of the Monroe Theatre and that a separate room was also maintained in the basement of the Monroe Theatre where persons were permitted to engage in sexual intercourse and other sexual activities. In addition, the video viewing booths which were maintained in both the theater and the book store contained holes drilled in the sides of the booths to allow individuals to engage in sexual activities. On December 20, 1995 the New York State Supreme Court granted a preliminary injunction enjoining the theater and its owner from conducting, maintaining, using or occupying or in any way permitting the use of the premises for the purposes of lewdness, assignation or prostitution. Further inspections by City police officers showed that the sexual activities continued in the Monroe Theatre after the time of the preliminary injunction. As a result, the Court ordered the Monroe Theatre closed as a public nuisance.

### **People ex rel. Johnson v. Time Square Books, Inc.**

In 1996, the City of Rochester commenced an action entitled *People ex rel. Johnson v. Time Square Books, Inc.* (Index No. 7683/96) pursuant to the New York State Public Health Law and the Charter of the City of Rochester for an order closing the premises known as Time Square Books, located at 57 Mortimer Street, because it was being used for purposes of lewdness, assignation and prostitution. The records show that Time Square Books offered to patrons for a fee the opportunity to view live dancers in private viewing booths. In these booths, the dancers would completely disrobe and masturbate in front of the patrons. In addition, the dancers typically encouraged the patrons to masturbate during the performance. This resulted in bodily fluids being left in the viewing booths, sometimes to be wiped up by the dancers. This proceeding was settled pursuant to an agreement whereby the defendants ceased providing live entertainment in the viewing booths.

### **Time Square Books, Inc. v. City of Rochester**

The City of Rochester is also currently involved in litigation entitled *Time Square Books, Inc. v. City of Rochester* (Index No. 495/96) in which a number of adult bookstores have challenged City regulations governing adult viewing booths. Records of City inspectors and police officers, and depositions of these City employees, indicate that bodily fluids were regularly found in the viewing booths. Other evidence of sexual activity, such as condoms and gel packs, were also found in the viewing booths, and cleaning materials and tissues were often provided. Many booths had "love seats" where more than one person could sit, "glory holes" between the

booths for sexual activity, and "buddy booths" where a person in one booth could view actions of a person in an adjacent booth. Drugs and drug paraphernalia were also found. A preliminary injunction was granted in this case against the City's regulations. Discovery has recently been completed, and the parties can now proceed toward a decision on the merits.

### **Summary of Legal Proceedings**

These cases all provide ample evidence that sexually oriented businesses in the City of Rochester provide a setting in which sexual activities can and do occur on a regular basis. Regulations designed to prevent such activities and to limit the locations in which such activities can occur should serve the significant governmental purpose of preserving City neighbors and enhancing the quality of City life.

### **Body Rub Parlors**

Due to concerns over sexual activities occurring in body rub parlors in the City, the City Council in 1992 required such parlors to be licensed annually. The records of the Police License Unit show that these parlors have been a frequent source of prostitution. Both licensed and unlicensed parlors are regularly closed down by the Police Department after arrests are made for prostitution. It appears that even licensing has not been effective in controlling the criminal activity at these locations. Such activities do not constitute protected expression and the continued offering of body rub services by persons who are not members of any of the various professional groups does not appear warranted. If such services are to be offered, they should be offered by persons authorized to practice massage therapy in New York in accordance with NY CLS Educ § 7804.

## **ANALYSIS OF DISTANCE SEPARATION**

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The City of Rochester conducted a mapping analysis of the regulatory effect of distance requirements on the availability of sites for the establishment of sexually-oriented businesses using the City's geographic information system (GIS). The analysis was used to determine the effects of various distance separation requirements for two purposes:

1. To determine the available sites if separation was required between sexually-oriented businesses ("inside buffer"); and
2. To determine the available sites if separation was required from a variety of "sensitive" uses ("outside buffer").

***NOTE:** Due to the high level of detail, this map series has not been reproduced in this report; however, the original maps are available for review in the Zoning Division at the City.*

A series of alternative distance measurements (500 feet, 1,000 feet and 1,500 feet) were tested to gauge the effect on availability of sites for sexually-oriented businesses in the City. The analysis relied on the existing pattern of zoning in the community, and the GIS database was used to plot the identified sensitive uses.

The sensitive uses plotted included the following:

- Youth centers
- Public parks and playgrounds
- Public libraries
- Elementary and secondary schools
- Religious institutions
- Hospitals
- Museums/cultural facilities

Zoning districts analyzed included both the M-Manufacturing District, and the C-3, General Commercial District. The various buffers were plotted using a hatch pattern so that affected uses (inside the various hatch patterns) were readily visible.

A careful review of the maps illustrating the effect of the various buffer distances revealed that using a 1,500-foot distance separation (either between sexually-oriented businesses and other similar businesses, or between such businesses and the listed sensitive uses) would eliminate virtually all of the available sites for such businesses in the City. Dropping this distance requirement to 1,000 feet allowed for over 100 remaining available sites within the City.

However, it was determined that if a separation requirement from existing residential zoning was also used, and if that distance requirement was 1,000 feet, the majority of the available sites would once again be eliminated. This is primarily due to the linear nature of many of the M and C-3 zoning districts on the existing zoning map. The historic core of the City has developed outward along a series of corridors stretching away from the downtown area – and each major corridor is lined with nonresidential districts that make up the majority of available sites. However, these districts are not very deep, and most immediately abut adjacent residential neighborhoods. Requiring a distance separation of 1,000 feet makes the majority of these corridor sites unavailable. Further review using a 500-foot separation of sexually-oriented businesses from residential districts suggested that an adequate number of sites would remain available.

## **SURVEY OF LOCAL APPRAISERS**

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The City of Rochester, with the assistance of Duncan | Associates, conducted a survey of property appraisers in Rochester/ Monroe County, New York, to draw on their expertise and years of experience to determine the impacts of the studied businesses, including sexually-oriented businesses, on residential and commercial property values. The survey included questions designed to determine the distance from a given residential or commercial property at which appraisers would determine the impact of studied businesses. It also provided an opportunity for the appraisers to rank the potential negative impacts on a property's value caused by sub-categories of the studied businesses. The survey allowed additional comments, however analysis of comments is not included in this memo. The survey was conducted in Spring 2000, and is available as a separate document.

### **Responses**

Thirty-nine responses were received and analyzed. All returned surveys were included in the data analysis. Portions of some returned surveys were non-responsive, and those portions were not included in the analysis. Thirty of the thirty-nine responding appraisers had some type of real estate appraisal certification in New York State. Their average (mean) number of years of experience in appraising was 20.2, and the average (mean) number of years of experience in Monroe County was 19.7.

### **Business Type Questions**

Appraisers were given an opportunity to rank 18 different business types (by the studied businesses) by the potential adverse impact they might have on the value of either residential or commercial property. The eighteen categories are listed below:

**Table 1 Studied Businesses**

**Type of Business**

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Bar
Bar with live entertainment
Bar or juice bar with nude dancers or servers
Bookstore
Bookstore that includes some sexually oriented materials
Bookstore that advertises itself as XXX or "Adult"
Bowling alley
Convenience store
Convenience store with gas
Convenience store with alcohol
Newsstand
Newsstand with back room of sexually oriented materials
Pawn shop
Salvage yard
"Sex shop" featuring leather goods, lingerie, sex toys
Video rental shop
Video rental shop with back room of sexually oriented materials
Video rental shop that advertises itself as XXX or "Adult"

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Responses to the survey were not entirely consistent. Some ranked all of the studied businesses, from the most negative to least negative impacts on property value; some simply assigned point values to the impacts of some of the businesses. Because of this inconsistency

in responses, all useable responses were re-coded, converting the wide range of respondents' ranking or rating systems into a quartile system (rating from 1 to 4, with 1-being the highest potential negative impact). There were 23 useable responses for residential property impacts and 14 useable responses for commercial property impacts that underwent this recoding.

## Distance Questions

Two questions in the survey asked the appraisers what distances they use to determine whether a studied business may affect a given residential or commercial property. Because some appraisers only work with commercial properties, the number of responses for business properties was only eighteen. Thirty respondents provided evaluations of distance considerations on residential property values.

## Conclusions

There are some very clear conclusions that can be drawn from this data set:

1. Sexually oriented businesses have a **measurable negative impact** on the value of some neighboring property. That impact is greater than the impacts of some other types of businesses considered as undesirable neighborhood land uses.
2. To the extent that studied businesses have a negative impact on property values, they have significantly **more negative impact on the value of neighboring residential property than on the value of neighboring commercial property;**
3. To the extent that studied businesses have a negative impact on property values, they have the **greatest impact on properties located on the same block.**
4. Location of one of the studied **businesses along the same street with another property is a less significant factor than location on the same block** in predicting the impact on property values but it is a more significant factor than any particular distance separation.
5. The impact of studied businesses on neighboring properties decreases, as anticipated, with distance. Based on data from this survey, the **negative impacts stop somewhere between 1,000 and 1,500 feet.**
6. Based on the combination of responses to questions, if two properties are equi-distant from the same studied business, with one located on the same street as the commercial enterprise and the other on another street, the **property located on the same street as the studied property will suffer greater impacts.**
7. **Bars with nude servers or live entertainers clearly have the greatest negative impact** on surrounding property values.

Drawing "lessons learned" from the survey data, the investigators would suggest the following:

- A. Zoning and other standards requiring a **distance separation** between some high-impact commercial enterprises **from residential uses** and closely related uses (such as K-12 educational institutions and religious institutions) are clearly justified.
- B. Communities using such distance separation requirements should generally **bar the high-impact uses from the same block as the protected use**.
- C. **A minimum separation of 500 feet is easily justified and a separation of 1,000 feet may be justified**, based on local factual circumstances. A separation requirement of up to 1,500 feet may be justifiable where the distance is measured along the same street. Separation requirements beyond 1,500 feet cannot be justified from the data gathered in this survey.
- D. There is a clear basis for imposing a **greater separation requirement between sexually oriented businesses with live entertainment, adult arcades and adult retail stores**, on the one hand, and protected uses on the other, **than for separation between other sexually oriented businesses** and protected uses. Although the responses indicated strongly that the necessity for a separation requirement depended on the type of studied business involved, the data, considered in context, do not justify other specific distinctions.

## **EXPERIENCE IN OTHER COMMUNITIES**

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The following summary was prepared by members of the consulting team on behalf of the City of Kansas City in 1998. However, it provides valuable insight into the nature of regulation of adult businesses in other communities, and has therefore been included in this documents.

### **Overview of the Ordinances**

This study involved the collection of ordinances applicable to adult uses from twenty local governments:

- Atlanta, Georgia
- Austin, Texas
- Charlotte, North Carolina
- Cincinnati, Ohio
- Cleveland, Ohio
- Denver, Colorado
- Fort Worth, Texas
- Indianapolis/Marion County, Indiana
- Louisville, Kentucky
- Manatee County/ Bradenton, Florida
- Minneapolis, Minnesota
- Newport News, Virginia
- Oklahoma City, Oklahoma
- Phoenix, Arizona
- Portland, Oregon
- St. Paul, Minnesota
- San Diego, California
- Seattle, Washington
- Tucson, Arizona
- Whittier, California

### **Basic Definitions**

The scope of adult use regulations is determined by the definitions of adult uses. Most local ordinances based the definitions of adult uses on basic definitions of "specified anatomical areas" and "specified sexual activities." Those definitions are essentially consistent throughout all of the ordinances examined. All are consistent with those tested before the Supreme Court in the *Renton* and *Young* cases.

### **Regulatory Approaches**

Three cities (Cincinnati, Seattle and Louisville) rely primarily on licensing to control adult uses. Phoenix appears to rely equally on licensing and zoning; Manatee County uses licensing but also relies heavily on zoning to control location. Fort Worth has created a quasi-licensing program based on a "specialized use permit" that requires annual renewals and includes standards similar to those for licensing. Table I summarizes the licensing criteria for these local governments.

All of the other local governments involved in the study rely primarily on zoning criteria to regulate adult uses. Table 2 summarizes the regulatory approaches. All of the zoning schemes include separation requirement, which are summarized in Tables 3 and 4.

All of the zoning ordinances reviewed for this study appear to allow adult uses as uses by right in at least some general commercial and industrial zones, subject to the separation requirements.

Atlanta, Austin, Cleveland, Manatee County and San Diego appear to allow adult uses in the same districts as similar non-adult uses, subject to the separation requirements. Oklahoma City has a similar approach but overlays operating standards for adult uses through the zoning ordinance. Seattle expressly prohibits panorams and movie theatres in several commercial districts but otherwise also appears to allow adult uses in the same locations as non-adult ones.



Charlotte, Phoenix, Whittier, Indianapolis, Tucson, Fort Worth, Newport News, St. Paul and Denver allow adult uses in a variety of commercial and industrial zones. Minneapolis allows the uses only in one district, its central business district, and Cincinnati allows them only in two manufacturing zones.

**Table 1 Licensing & Related Criteria**

	Cincinnati	Fort Worth	Louisville	Manatee County	Phoenix	Tucson
License required for business	X	X	X	X	X	X
Permit required for employee	X		X			
<b>At licensing -- consideration of:</b>						
Control of premises	X	X	X	X		X
Age	X	X	X			
Management	X		X			X
Convictions of sex-related offenses	X	X	X		X	
Other convictions	X	X			X	
Tax delinquencies					X	
<b>Revocation, suspension--consideration of:</b>						
Sales of controlled substances on premises	X	X				
Sex acts on premises	X				X	
Prostitution on premises		X				
Licensee/ manager intoxicated on premises					X	
Other operational requirements	X		X	X		

**Table 2 Regulatory Approaches**

City	Specific Enabling Statute	Licensing	Zoned As Permitted Use	Zoned As Conditional Use
Atlanta, GA	C		X	
Austin, TX	C		X	
Charlotte, NC	C		X	
Cincinnati, OH	L	X		
Cleveland, OH	L		X	
Denver, CO	N		X	
Fort Worth, TX	C			X(1)
Indianapolis, IN	L		X	
Louisville, KY	C	X	X	
Manatee County, FL	L	X	X	
Minneapolis, MN	L		X	
Newport News, VA	L			X
Oklahoma City, OK	N			X
Phoenix, AZ	C	X		
Portland, OR	N		X	
San Diego, CA	L		X	
Seattle, WA	N		X	
St. Paul, MN	L		X	
Tucson, AZ	C	X	X	
Whittier, CA	L		X	

L = statute of limited scope or affecting only some local governments  
 C = comprehensive statutes  
 N = no specific statutes on adult or sexually-oriented businesses  
 (1) Specialized Certificate of Occupancy (appears to be a quasi-license).

**Table 3 Separation Requirements**

City	Other Adult Use	Residential	Park, School, Day Care	House of Worship
Atlanta, GA	1000 from 2	500 (some)	1000	1000
Austin, TX	1000	1000	1000	1000
Charlotte, NC	500or1000	1500	1500	1500
Cincinnati, OH	1000	1000	1000	1000
Cleveland, OH	1000	1000	1000	1000
Denver, CO	1000 from 2	500	500	500
Fort Worth, TX	N/A	N/A	N/A	N/A
Indianapolis, IN	500 from 2	1000	500	500
Louisville, KY	500	1,000	400	400
Manatee County, FL	1000	500	2000	2500
Minneapolis, MN	N/A	1000	500	500
Newport News, VA	500	500	500	500
Oklahoma City, OK	1000	1000	1000	1000
Phoenix, AZ	1000	500	500	N/A
Portland, OR	N/A	N/A	N/A	N/A
San Diego, CA	1000	1000	1000	1000
Seattle, WA	N/A	N/A	N/A	N/A
St. Paul, MN	2640 or 1320	800or 400	400 or 200	400 or 200
Tucson, AZ	1000	500	500	500
Whittier, CA	1500	1000	500	N/A

All distances given in feet.

Where two numbers are given, the separation requirements vary by zone.

"1000 from 2" indicates that the separation requirement requires a separation of the specified amount from "any two other such businesses."

**Table 4 Separation Requirements from Residential Uses or Zones**

City	Residential Separation From:		Measurement Via
	Zoning District	Actual Use	
Atlanta, GA		x	N
Austin, TX		X(2)	N
Charlotte, NC	x		Straight Line
Cincinnati, OH	x		N
Cleveland, OH	x		Straight line
Denver, CO	X	x	N
Fort Worth, TX	N/A	N/A	N/A
Indianapolis, IN	x		Straight line
Louisville, KY		x	
Manatee County, FL	x		Pedestrian route
Minneapolis, MN	x		Straight line
Newport News, VA	X(1)		Straight line
Oklahoma City, OK		x	N
Phoenix, AZ	x		N
Portland, OR	N/A	N/A	N/A
San Diego, CA	x		Straight line
Seattle, WA	N/A	N/A	N/A
St. Paul, MN		x	Radial
Tucson, AZ	x		N
Whittier, CA	x		Pedestrian route

N = Not specified.

(1) 500 feet if on same street, otherwise 200 feet.

(2) Based on a weighted calculation of actual residential use within 1000 feet.

## Treatment of Specific Adult Uses

Of the twenty local governments included in this study, only three make significant distinctions among adult use types in zoning or other locational restrictions. Denver has a very sophisticated zoning system that allows adult bookstores in more locations than other adult uses and that is considerably more restrictive with adult movie theatres and establishments involving live entertainment. Tucson allows "adult retail uses" (which would clearly include bookstores and novelty shops) in the B-1, Local Business, zone but allows all adult uses in several other zones. Oklahoma City applies different location requirements to adult novelty shops than to other adult uses; it appears that this distinction may be a result of the fact that the ordinance regulating adult novelty shops was adopted at a different time than the rest of the regulatory scheme. Charlotte has shorter separation requirements for adult bookstores and adult mini-motion-picture theatres than for other adult uses. Austin separates "adult lounges" from other adult uses, but it treats all others the same, although there is a separate ordinance with design and operating requirements applicable only to adult arcades.

Neither Seattle nor Phoenix applies its licensing regime to adult bookstores, and Seattle does not distinguish adult bookstores from other bookstores in its zoning.

All of the other local ordinances reviewed treat all adult uses the same for zoning and locational purposes, allowing them in the same zones and generally subject to the same separation requirements. Most of these ordinances define a variety of adult uses separately but then lump them into a single category (such as "adult entertainment" or "adult use") for purposes of the zoning ordinance. St. Paul lists each of the adult uses separately in the applicable zoning districts, as though it considered varying the list by district, but the same list appears for each district reviewed.

### Adult Bookstores

Note that Portland, Seattle, Tucson and Oklahoma City do not regulate adult bookstores as adult businesses, although Oklahoma City has adopted an ordinance. As noted in the introduction to this section, Denver and Tucson allow adult bookstores in some locations where they do not allow other adult uses, and Charlotte uses lower separation requirements for adult bookstores than for other adult uses.

In all of the other regulatory programs, the treatment of a bookstore is the same as the treatment of other adult uses and the only question is what constitutes an adult bookstore. Table 5 summarizes the definitional criteria. Two ordinances (Atlanta, Indianapolis) make the determination based on a "preponderance of stock in trade" test. Newport News also uses "stock in trade" as the measure but uses a 25 percent threshold. Charlotte, Cincinnati, Denver and Minneapolis base the test on a "significant or substantial portion" of the stock in trade. As an alternative measure, Indianapolis also uses a test based on dollar volume as one of two measures. St. Paul and the two California cities, Whittier and San Diego, use a threshold of 15 percent of floor area. Manatee County uses a threshold of 10 percent of the "business stock" but measures it by floor area rather than inventory.

Other ordinances use a test based on purpose or business activity. Charlotte, Cleveland, Fort Worth, Louisville, Phoenix, and St. Paul use a test based on a [not the] "principal business purpose" or a similar test, such as "principal business activity." Cincinnati bases one part of its test on whether the business regularly excludes minors from the business or a portion of it due to the nature of the material. Austin uses a combination of a floor-area (35 percent threshold)

test and business purpose ("holds itself out as"). Louisville illustrates "principal business purpose" with floor area and inventory tests.

In determining whether businesses meet these thresholds, nine of the local governments (or half of those regulating adult bookstores) include sex novelties in measuring the proportion of floor area or stock in trade devoted to the adult use; those local governments are Atlanta, Charlotte, Cincinnati, Cleveland, Louisville, Newport News, St. Paul, San Diego and Whittier. The definition of "adult novelty shop" in Phoenix includes stores that include both novelties and printed material; a bookstore includes only printed material. Oklahoma City and Austin define adult novelty stores separately, although Austin treats them no differently from adult bookstores.

**Table 5 Proportions Used to Identify Adult Bookstores**

City	Based On	Proportion	Included in Computation:		
			Books/Magazines	Videos	Devices
Atlanta, GA	stock	"preponderance of"	X	X	X
Austin, TX	--	"primarily in the business of"	X	X	
Charlotte, NC	stock	"principal business purpose" "substantial or significant"	--	--	X
Cincinnati, OH	--	"substantial or significant"	X	X	X
Cleveland, OH	--	"principal purpose"	X	X	X
Denver, CO	stock/ "dollar volume"/ floor area	10% floor area "substantial or significant"	X	X	
Fort Worth, TX	Not clear	35%	X	X	X
Indianapolis, IN	stock/ "dollar volume"	"preponderance"	X	X	X
Louisville, KY	stock, measured by floor area	10%	X	--	X
Manatee County, FL	stock/gross sales	20%/25%	X	X	X
Minneapolis, MN	stock	"substantial or significant" OR "segment or section devoted to"	X	X (including viewing booths)	
Newport News, VA	stock	25%	X	X	X
Phoenix, AZ	--	"principal purpose"	X	X	X
St. Paul, MN	floor area	15%	X	X	X
San Diego, CA	display or floor area	15%	X	X	X
Whittier, CA	floor area	15%	X	X	X

### Video Viewing Booths

The treatment of video viewing booths varies considerably. Portland does not regulate them. Seattle regulates them without regard to content—in other words, a video viewing booth is treated the same whether it shows adult movies or Walt Disney ones. The term used to describe this use in the Seattle ordinance is "Panoram."

Cincinnati, Cleveland, Fort Worth, Indianapolis, San Diego and Whittier address this use separately; most of them refer to it as an "arcade," but San Diego uses the term "peep show." Three cities (Atlanta, Charlotte and St. Paul) have definitions of "adult mini-motion-picture theatre" that clearly include video viewing booths, while in four others (Austin, Denver, Newport

News and Tucson) this activity appears to fall under the definition of "adult motion picture theatre" - those cities make no distinctions in size of theatre. Austin, however, also refers to "viewing on or off the premises" in its reference to the handling of videos and films in adult bookstores. Although Whittier addresses arcades in its ordinance as though they may be permitted, the ordinance expressly prohibits the showing of films in closed, private viewing rooms.

### **Multiple Uses**

Several local ordinances expressly define each adult use as a separate use and apply separation requirements to adult uses. The cities that most clearly do that are: Austin (which defines adult novelty shops and adult bookstores separately but which contemplates some on-premises viewing of videos and films in adult bookstores); Charlotte; and Cleveland. Separation requirements designed to prevent the aggregation of adult uses might be interpreted similarly under some of the other ordinances, but these are the ones that most clearly prohibit the co-location of adult uses.

The language in two of the ordinances is particularly strong and clear. Charlotte simply provides that no more than one of these establishments may be allowed in the same structure. Cleveland's ordinance has two relevant provisions, one requiring that "no two adult uses may be located in the same premises or on the same lot," and another providing that an adult use may not be an accessory use. Minneapolis allows only one adult use "per block face."

### **Dates of Adoption and Amendment**

This is clearly an issue of current interest in these communities. Of the 20 communities, eight have adopted new ordinances or significant amendments in the last five years; a total of fourteen have done so in the last ten years. All but four have adopted some amendments in the last ten years.

In some cases, the impetus for adoption of the new ordinances clearly related to litigation. Many of the recent amendments, however, seem to have resulted from political initiatives, apparently arising from constituent pressures. Denver has just completed a new study (late 1996, published early 1997) and Portland is examining its options in light of the extremely broad protection given adult materials by its state high court.

This is a remarkable level of legislative activity on a relatively narrow topic. Most of these local governments have had zoning in place for 60 years, and several of the programs for regulation of adult business in these communities date to the 1950s or 1960s. Nevertheless, many of these other communities are actively seeking better ways to address the complex balancing of interests involved in regulating adult and sexually-oriented businesses.

## **RECOMMENDATIONS AND CONCLUSIONS**

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### **Zoning (Use) Classifications**

We would propose that the City restructure its approach to sexually oriented businesses, placing them in several categories that are treated differently for both zoning and licensing purposes.

Here are our proposed categories, with commentary:

**Adult Retail Store.** We recommend that adult novelty stores and video or news outlets be combined using the term adult retail store. There should be two categories of adult retail store, one which is a sexually-oriented business where much of the facility (more than 40 percent) is devoted to sexually-oriented materials, and one, designated a limited adult retail store, where such materials make up less than 40 percent of the facility, but are kept separated by a wall and where access is managed to ensure that individuals under 18 years of age do not have access to the materials. The latter category of such businesses should not be permitted to advertise as "XXX," "adult," "sex" or otherwise as a sexually-oriented business.

Note that this is intended to exclude mainstream lingerie stores and department stores with lingerie departments, as well as large book and video stores which may carry very large quantities of adult materials, as well as other titles. It is specifically intended to include some of the racy lingerie stores that include novelties and other sex-related items, which, like other businesses on the city's list of sexually oriented businesses, are clearly selling sex.

We recommend that Adult Retail Stores be permitted in the M district, and where they fall under the 40 percent threshold, in other appropriate commercial districts.

**Adult Arcade (Video Viewing Booth).** Perhaps more appropriately called "peep shows," and now incorporated under the benign-sounding term "arcade." Due to the problems identified at these locations, we recommend they be classified with other intensive uses such as adult cabarets and adult movie theaters. Court cases, studies and local inspections have all found evidence of sexual activity in booths and further regulations is necessary to limit the attractiveness of booths as a place for sexual activity.

**Adult Movie Theater.** Although there are no longer any such establishments in the City, adult theaters are a large, intensive use which should be classified as such.

**Adult Cabaret.** Due to the very intrusive nature of any use with live entertainment, we would suggest that these uses be subject to the maximum practicable separation requirement. The Newport News and St. Paul studies both contain significant evidence of the impact of adult businesses with live entertainment on surrounding neighborhoods.

**Body Rub Parlors.** We would recommend banning all "body rub" parlors and similar establishments involving massage conducted by persons who do not meet one of the following:

- a. Working under the direct supervision of a licensed medical professional; or
- b. Possessing a professional license or nationally recognized certification as a massage therapist.

This appears to be the business in which there is the strongest local evidence of direct links to prostitution and other unlawful activity. There is no First Amendment or other U.S. Constitutional protection for these businesses. We believe that banning them would have both

tangible and intangible benefits for the City and would actually help more “mainstream” adult businesses by helping to improve the general perception of those that remain.

**Nude Dancing Establishments.** To the extent that nude dancing has First Amendment protection or that it is exempt from the state public indecency act, the protection is based on the “artistic” nature of the performance. “Lap dancing” or in having “dancers” press their breasts into men’s faces—activities observed by the field researchers in multiple establishments does not constitute protected expression. The only practical way to limit such activity is to impose vertical and/or horizontal separation requirements to keep patrons and dancers more than arm- or leg-length away from each other. We recommend that the city consider at least an 18-inch vertical separation (thus requiring a raised stage) and a 6-foot horizontal separation that is enforced either by a barrier on the stage (to keep the dancers back) or on the floor (to keep the patrons back).

**Nude Dancing Booths.** The City has police video tapes documenting sex acts with dildos in the booths in which “dancers” perform. A major purpose of the regulation of sexually oriented businesses is to eliminate the performance of sex acts in public or quasi-public places; clearly these are sex acts and clearly they are quasi-public places. While there are currently no such booths in the City, they should be banned as a future use.

## **Improved Licensing Ordinance**

We continue to recommend a much stronger licensing ordinance, one that includes a clear and fair method through which licenses of continual violators can be suspended and, if necessary, revoked. This license would be a specific license for adult establishments in the City, separate from an entertainment license.

We recommend that licensing criteria hold management of the establishments responsible for preventing sexual activity on the premises and for failure to meet licensing and operational standards.

We recommend that the managers and entertainers (not including clerks and clothed servers) at these establishments be licensed and that the licenses for the establishments and the managers on duty be posted at all times that an establishment is open.

## **Separation Requirements**

We have two basic recommendations on separation requirements:

1. Separation requirements should vary with the impact of the type of business, imposing the greatest separation requirements on businesses with on-premises entertainment and the least on the media outlets;
2. The measurement of separation requirements should occur from property line to property line, except in the case of multi-tenant facilities (such as shopping centers), where the measurement should run from the edge of the leasehold interest .

## **Attachments**

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1. Field Inspection Forms
2. Excerpt of "Findings From Studies From Other Cities," Kelly and Cooper, April 1998



**ADULT ENTERTAINMENT BUSINESS SITE VISIT WORKSHEET  
FIRST VISIT**

Date of Visit: \_\_\_\_\_

Visit By: \_\_\_\_\_

**EXTERIOR**

Business: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Building: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Operating hours: \_\_\_\_\_  
\_\_\_\_\_

Description of Parking: \_\_\_\_\_

# of spaces: \_\_\_\_\_

Adequacy of parking (at time of visit): \_\_\_\_\_

# of cars (clearly working or visiting business): \_\_\_\_\_

Description of Signage (include posters and window signs): \_\_\_\_\_  
\_\_\_\_\_

Are products visible through windows? Describe: \_\_\_\_\_  
\_\_\_\_\_

Exterior lighting (if night visit or if obvious on day visit): \_\_\_\_\_

General condition of exterior (maintenance, cleanliness): \_\_\_\_\_  
\_\_\_\_\_

Description of properties adjacent, across the street including occupancy (business names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of people outside "loitering, hanging out, etc. Describe anything significant" \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of entrances, exits: \_\_\_\_\_

page 2

**INTERIOR**

Control of entrances and exits, visual, physical or other: \_\_\_\_\_  
\_\_\_\_\_

Location of cashier or attendant: \_\_\_\_\_

Business or tax license posted? \_\_\_\_\_

Names on them: \_\_\_\_\_

Attendant on duty (number, general description): \_\_\_\_\_  
\_\_\_\_\_

General layout of ESTABLISHMENT (# of rooms, visual control of interior, display racks, other):  
\_\_\_\_\_  
\_\_\_\_\_

General cleanliness and maintenance: \_\_\_\_\_  
\_\_\_\_\_

Action of employee(s) during visit: \_\_\_\_\_

Interaction with customers: \_\_\_\_\_

General alertness: \_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

**LIVE ENTERTAINMENT**

Describe area in which entertainment is offered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is there physical, horizontal and or vertical separation of viewers from performing area (ie raised stage with a bar to keep patrons away from the edge)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

page 3

**BOOTHS**

Are there video viewing booths? If yes, complete the following:

General size: \_\_\_\_\_

Number of booths: \_\_\_\_\_

Number of benches or seats/ booth: \_\_\_\_\_

Are there doors (full length or cut off)? \_\_\_\_\_

Curtains? \_\_\_\_\_

Is activity in booth visible through window, peepholes, spaces below or above?  
Describe \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Visual or other monitoring of booth areas? \_\_\_\_\_

\_\_\_\_\_

Control of use of booths—is there a checkout or other system, or are they self-operated? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Cleanliness of booths and areas outside them: \_\_\_\_\_

\_\_\_\_\_

**CUSTOMERS**

Number of customers in store during visit: \_\_\_\_\_

Descriptions by age, gender, number in group: \_\_\_\_\_

\_\_\_\_\_

# in viewing booths: \_\_\_\_\_

# examining **sexually-oriented** videos and books: \_\_\_\_\_

# examining **other** sexually-oriented merchandise: \_\_\_\_\_

# at counter **not looking at merchandise**: \_\_\_\_\_

# looking at **other merchandise**: \_\_\_\_\_

# just **loitering, hanging out** not doing anything: \_\_\_\_\_

# making any **attempt at contact** with site visitor (describe): \_\_\_\_\_

page 4

Any observations of prostitution, solicitation, sex acts, gambling, drug use or other apparently illegal acts occurring inside the premises or within 1000 feet during visit:

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General assessment of operation, and, in particular, sense of personal security and general comfort of site visitor in being there at this time:

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---

**ADULT ENTERTAINMENT BUSINESS SITE VISIT WORKSHEET  
SUBSEQUENT VISIT**

Date of Visit: \_\_\_\_\_

Time of Visit: \_\_\_\_\_

Visit By: \_\_\_\_\_

**EXTERIOR**

Business: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Parking: \_\_\_\_\_

\_\_\_\_\_ Number of cars (clearly working or visiting business): \_\_\_\_\_

Exterior lighting (if night visit or if obvious on day visit): \_\_\_\_\_

General condition of exterior (maintenance, cleanliness): \_\_\_\_\_

\_\_\_\_\_

Number of people outside "loitering, hanging out, etc. Describe anything significant": \_\_\_\_\_

\_\_\_\_\_

**INTERIOR**

General cleanliness and maintenance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ACTIONS OF EMPLOYEE(S) DURING VISIT:**

\_\_\_\_\_ Attendant(s) on duty (number, general description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Interaction with customers: \_\_\_\_\_

\_\_\_\_\_ General alertness: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

page 2

**LIVE ENTERTAINMENT**

Nature of live entertainment. Identify gender of performers, extent of body coverings.

---

---

---

Note any direct interaction of performer(s) with one or more customers:

---

---

**BOOTHS**

Cleanliness of booths and areas outside them:

---

**CUSTOMERS**

Number of customers during visit:

---

Descriptions by age, gender, number in group:

---

# **in viewing booths:**

# **examining sexually-oriented** videos and books:

# examining **other** sexually-oriented merchandise:

# at counter **not looking at merchandise:**

# looking at **other merchandise:**

# just **loitering, hanging out** not doing anything:

# making any **attempt at contact** with site visitor (describe):

---

Any observations of prostitution, solicitation, sex acts, gambling, drug use or other apparently illegal acts occurring inside the premises or within 1000 feet during visit:

---

---

General assessment of operation, and, in particular, sense of personal security and general comfort of site visitor in being there at this time:

---

---

Nature of live entertainment. Identify gender of performers, extent of body coverings.

---

---

---

Is live entertainment offered in closed rooms or booths?

---

---

Note any interaction of performer(s) with one or more individual customers

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---

---

**BOOTHS**

Are there video viewing booths? If yes, complete the following:

Number of booths:

---

General size:

---

Number of benches or seats/ booth:

---

Are there doors (full length or cut off)?

---

Curtains?

---

Is activity in booth visible through window, peepholes, spaces below or above? Describe.

---

---

---

Visual or other monitoring of booth areas?

---

---

Control of use of booths--is there a checkout or other system, or are they self-operated?

---

---

---

Cleanliness of booths and areas outside them:

---

---

**CUSTOMERS**

Number of customers during visit: \_\_\_\_\_

Descriptions by age, gender, number in group: \_\_\_\_\_

\_\_\_\_\_

# in viewing booths: \_\_\_\_\_

# examining **sexually-oriented** videos and books: \_\_\_\_\_

# examining **other** sexually-oriented merchandise: \_\_\_\_\_

# at counter **not looking at merchandise**: \_\_\_\_\_

# looking at **other merchandise**: \_\_\_\_\_

# just **loitering, hanging out** not doing anything: \_\_\_\_\_

# making any **attempt at contact** with site visitor (describe): \_\_\_\_\_

Any observations of prostitution, solicitation, sex acts, gambling, drug use or other apparently illegal acts occurring inside the premises or within 1000 feet during visit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

General assessment of operation, and, in particular, sense of personal security and general comfort of site visitor in being there at this time:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**RETAIL SEX BUSINESS SITE VISIT WORKSHEET  
FIRST VISIT**

Date of Visit: \_\_\_\_\_

Visit By: \_\_\_\_\_

**EXTERIOR**

Business: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Building: \_\_\_\_\_  
\_\_\_\_\_

Operating hours: \_\_\_\_\_  
\_\_\_\_\_

Description of Parking: \_\_\_\_\_

\_\_\_\_\_ # of spaces: \_\_\_\_\_

\_\_\_\_\_ Adequacy of parking (at time of visit): \_\_\_\_\_

\_\_\_\_\_ # of cars (clearly working or visiting business): \_\_\_\_\_

Description of Signage (include posters and window signs): \_\_\_\_\_  
\_\_\_\_\_

Are products visible through windows? Describe: \_\_\_\_\_  
\_\_\_\_\_

Exterior lighting (if night visit or if obvious on day visit): \_\_\_\_\_  
\_\_\_\_\_

General condition of exterior (maintenance, cleanliness): \_\_\_\_\_  
\_\_\_\_\_

Description of properties adjacent, across the street including occupancy (business names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of people outside "loitering, hanging out, etc. Describe anything significant" \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of entrances, exits: \_\_\_\_\_

page 2

**INTERIOR**

Control of entrances and exits, visual, physical or other: \_\_\_\_\_  
\_\_\_\_\_

Location of cashier or attendant: \_\_\_\_\_

Business or tax license posted? \_\_\_\_\_  
Names on them: \_\_\_\_\_

Attendant on duty (number, general description): \_\_\_\_\_  
\_\_\_\_\_

General layout of store (# of rooms, visual control of interior, display racks, other): \_\_\_\_\_  
\_\_\_\_\_

General cleanliness and maintenance: \_\_\_\_\_  
\_\_\_\_\_

Action of employee(s) during visit: \_\_\_\_\_  
Interaction with customers: \_\_\_\_\_  
General alertness: \_\_\_\_\_  
Other: \_\_\_\_\_  
\_\_\_\_\_

**MERCHANDISE**

General description of product lines, display and mix in store: \_\_\_\_\_  
Sexually-explicit publications: \_\_\_\_\_  
Sexually- explicit videos: \_\_\_\_\_  
Sexual novelties: \_\_\_\_\_  
Lingerie and related: \_\_\_\_\_  
Other products (describe): \_\_\_\_\_  
\_\_\_\_\_

**RETAIL SEX BUSINESS SITE VISIT WORKSHEET  
SUBSEQUENT VISITS**

Date of Visit: \_\_\_\_\_

Time of Visit: \_\_\_\_\_

Visit By: \_\_\_\_\_

**EXTERIOR**

Business: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Parking: \_\_\_\_\_

\_\_\_\_\_ Adequacy of parking (at time of visit): \_\_\_\_\_

\_\_\_\_\_ # of cars (clearly working or visiting business): \_\_\_\_\_

Exterior lighting (if night visit or if obvious on day visit): \_\_\_\_\_

General condition of exterior (maintenance, cleanliness): \_\_\_\_\_

Number of people outside "loitering, hanging out, etc. Describe anything significant" \_\_\_\_\_

**INTERIOR**

General cleanliness and maintenance: \_\_\_\_\_

**ACTION OF EMPLOYEE(S) DURING VISIT**

\_\_\_\_\_ Interaction with customers: \_\_\_\_\_

\_\_\_\_\_ General alertness: \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

PAGE 2

**BOOTHS**

Cleanliness of booths and areas outside them:  
\_\_\_\_\_  
\_\_\_\_\_

**CUSTOMERS**

Number of customers in store during visit: \_\_\_\_\_

Descriptions by age, gender, number in group: \_\_\_\_\_  
\_\_\_\_\_

# in viewing booths: \_\_\_\_\_

# examining **sexually-oriented** videos and books: \_\_\_\_\_

# examining **other** sexually-oriented merchandise: \_\_\_\_\_

# at counter **not looking at merchandise**: \_\_\_\_\_

# looking at **other merchandise**: \_\_\_\_\_

# just **loitering, hanging out** not doing anything: \_\_\_\_\_

# making any **attempt at contact** with site visitor (describe): \_\_\_\_\_

Any observations of prostitution, solicitation, sex acts, gambling, drug use or other apparently illegal acts occurring inside the premises or within 1000 feet during visit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General assessment of operation, and, in particular, sense of personal security and general comfort of site visitor in being there at this time:

\_\_\_\_\_  
\_\_\_\_\_