

**EFFECTS OF ADULT ENTERTAINMENT BUSINESSES
ON RESIDENTIAL NEIGHBORHOODS**

**Prepared for
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EL PASO**

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INTRODUCTION

During the past ten years, El Paso has experienced significant growth in the number and variety of adult entertainment businesses located within its jurisdiction. As of June 1986, there were approximately three (3) adult motion picture theatres, seven (7) adult motion picture theatres/bookstores and twenty-three (23) nude live entertainment clubs. (See Appendix I). The proliferation of these businesses has resulted in numerous community requests for regulation by the City of El Paso. Concern in adult entertainment businesses is increasing nationwide as residents face what they have asserted to be an adverse physical, social, and economic impact on their community.

Reasonable regulations are being used to control adult entertainment businesses proximity to residential areas, churches, parks, schools, and other public facilities. Recent court cases conclude that the regulation of adult entertainment businesses is important to protect property values and a community's quality of life. Zoning restrictions, when used to preserve the character of specific areas in the city, have perhaps been the most effective tool used by local governments to achieve this goal. The necessary reasoning for regulating adult entertainment businesses by zoning is that a land use relationship or impact results from this form of business.

Because of their increasing importance to the public welfare of the community, the Department of Planning, Research and Development, with the assistance of the City Attorney's office, the Police Department Data Processing Division, and New Mexico State University, has spent over a year studying the impacts that adult entertainment businesses have on their surrounding environment. For the purpose of this study, the term "adult entertainment business" is a general term used to designate businesses which primarily feature sexually stimulating material and/or performances. These include adult bookstores, adult cabarets, adult drive-in theatres, adult motion picture theatres and arcades, nude live entertainment clubs, nude adult service establishments.

The study was undertaken to examine what, if any, negative impacts were created by these uses to the social and land use characteristics of the area in which they are located. Additionally, the study examined the factors of crime incidence to show the deviation from normal rates for this population. Analyses of land use characteristics were made to show any negative performance of the real estate market in areas where adult entertainment is offered. While the study should not be construed as proving that adult entertainment businesses are the causal effect of these negative impacts, the study will show that these uses are an important variable in each instance of comparison.

LEGAL BASIS FOR LAND USE CONTROL

Zoning has traditionally been defined as a process by which a municipality legally controls the use which may be made of property and the physical configuration of the development upon tracts of land within its jurisdiction. This is accomplished by means of zoning ordinances which are locally adopted to divide the city into different districts permitting only certain uses within each district. Zoning regulations not only restrict the use to which buildings or property may be put within designated districts, but also the purpose or object of the use beyond the mere conditions or circumstances of the use.

While the courts have affirmed that municipalities are properly exercising their police power through zoning regulation, it is generally held that such power is delegated to them by the state legislature through statutory enactment. In the State of Texas, Article 1175 of Vernon's Annotated Statutes provides for the city's zoning enabling legislation. Limitations on the exercise of zoning power are essentially the same as those restricting a police power under the U.S. Constitution. It may not be exercised in an unreasonable, oppressive, arbitrary, or discriminatory manner. Zoning laws must have a real, substantive relation to the governmental objective for the protection of the public health, safety, morals and general welfare of citizens.

Section 25-3, entitled Purpose, of the El Paso Zoning Ordinance reads: "Zoning regulations and districts are established for the purpose of promoting health, safety, morals, and the general welfare of the City. They have been made with reasonable consideration, and with a view to conserving the value of buildings and encouraging the most appropriate use of the land throughout the City." The public welfare, in this context, means the stabilization of property values, promotion of desirable home surroundings, and the orderly growth of the community. When employing the zoning power to regulate adult entertainment businesses, the courts have held that the following must be shown. First, that the adoptive ordinance must be motivated and founded on sound land use principles, and secondly, that it allow reasonable accommodations for such uses in its jurisdiction.

Both the nature and regulation of the use must be clearly defined in order to avoid the need for subjective interpretation of each proposed use.

STUDY FORMAT

Methods Used

Many zoning ordinances throughout the nation now have provisions for adult entertainment businesses based on one of two basic approaches to control the location of these uses. One approach, commonly called the Detroit Model, divides or prevents the concentration of adult entertainment businesses in one area. El Paso's adult entertainment business regulation is patterned after the Detroit Model. The second approach, or the Boston Model, concentrates the adult entertainment businesses in one area of the city.

The El Paso Ordinance is based on two hypotheses: first, that there are direct impacts which uniquely relate to this class of land use; and second, that there are indirect, but equally important, attitudinal concerns which result from proximity to an adult entertainment business. Examples of the former are possible traffic congestion, unusual hours of operation, litter, noise, and criminal activity.

The study methodology employs a comparison of different land areas in El Paso. The two basic areas

of comparison are study areas and control areas. They are distinguished by the existence of adult entertainment businesses within their boundary (the study area) or the absence thereof (the control area). In choosing study areas as well as control areas, the determinant characteristics were zoning mix, population size, age of housing stock, and family income. The selection process was additionally based on the number of establishments located in a given neighborhood. In each case, adult entertainment businesses were operating during the time span of the study.

There were at least nineteen possible distinct sites in El Paso where adult entertainment was offered either singly or in clusters of establishments as seen in Figure 1. For purposes of this study, it was decided to select three of these sites that were representative and three control areas with no adult business. A control area had similar characteristics of a matched study area in terms of land use.

FIGURE 1

Adult Entertainment Business Locations – Citywide

Defining Boundaries

The process of defining the study area boundaries was conducted in the following manner. First, locations of adult entertainment businesses in El Paso were plotted. Secondly, the primary concentration of adult entertainment businesses were identified. Thirdly, a preliminary decision was made to select three study areas based on concentration and geographic isolation from each other. Finally, the boundary of each study area was established so that each was approximately centered and had an area of one-quarter (1/4) mile.

In defining the control area boundaries, first the potential control areas were identified based on the absence of adult entertainment businesses. Secondly, possible control areas were delineated in equal size to the study areas. Thirdly, the population and land use characteristics of each possible control area was determined using the same method used for the study areas. Finally, a control area was selected to match each study area as closely as possible in size, number of residents, and all other land use characteristics.

LAND USE CHARACTERISTICS FOR STUDY SITE LOCATIONS

Demographics

Table 1 identifies the percentage of land use for the study and control areas. The percent distribution by race of the population for each area and the family median income is found in Table 2. As can be seen, the areas chosen for the study and control areas have been weighted proportionally using the land use and population characteristics. A more detailed land use for the areas may be found in Appendix III to VIII.

TABLE 1

Percentage of Land Use

(As of August, 1986)

Study Control Study Control Study Control

Area Area Area Area Area Area

One One Two Two Three Three

Residential* .74 .72 .71 .72 .81 .90

Commercial** .19 .24 .11 .12 .16 .09

Industrial*** .00 .00 .00 .00 .00 .00

Other**** .07 .04 .18 .16 .03 .01

1.00 1.00 1.00 1.00 1.00 1.00

Notes:

*Includes Real Estate Codes A1, A2, A3, A4, A6, B1, B2, B3, C1, H1

**Includes Real Estate Codes C4, F1, F3, F4, F5, F6, F8, F9, F10, C2, F7, I1

***Includes Real Estate Codes F2, G1

****Includes Real Estate Codes C5, C6, D1, D2, D3, D4, D5, E1, E2, C3, Y9, Z1, Z2, Z3, Z4, Z5, Z6, Z7, Z8, Z9

TABLE 2

Population Characteristics

(As of June 1986)

Study Control Study Control Study Control

Area Area Area Area Area Area

One One Two Two Three Three

1985 Population

& Housing Trends

Population 1,275 1,845 1,971 2,083 2,322 1,422

Housing 509 636 536 525 769 471

Income* \$20,086 \$14,203 \$19,331 \$19,729 \$15,275 \$19,745

Percent Distributions

By Race & Spanish Origin**

Black .01 .04 .00 .00 .06 .01

Asian .01 .00 .00 .00 .01 .01

Spanish .71 .85 .93 .93 .31 .75

Notes:

*Denotes Median Family Income

**Source: U.S. Bureau of the Census

Within Study Area One, two nude live entertainment clubs and two adult book store/theatres are found (Figure 2). One nude live entertainment club is found within Study Area Two (Figure 3) and three nude live entertainment clubs are found in Study Area Three (Figure 4).

FIGURE 2

Study/Control Area One - Adult Entertainment Business Locations

FIGURE 3

Study/Control Area Two - Adult Entertainment Business Locations

FIGURE 4

Study/Control Area Three - Adult Entertainment Business Locations

Character of Areas

Study Area One has approximately 509 single-family dwellings, and was platted as Loretto Place Subdivision in 1947. Heavy commercialization exists along Montana Street. The commercial activities include retail shops, banking facilities, restaurants, mechanic shops, arcade and pool hall, and office uses. Within this area, eleven changes of zoning have taken place; six to C-1 (Commercial) zoning, one to C-2 (Commercial) zoning and four changes to A-O (Apartment/Office). Control Area One has 636 housing units and like Study Area One has heavy commercialization along Montana Street. The commercial uses found within this area include primarily retail establishments and office uses. Two changes of zoning classification have occurred in this area; one to A-O (Apartment/Office) zoning and one to S-D (Special Development District) zoning.

Study Area Two was subdivided as McCamant (1923), Balboa Place (1934) and Hidden Valley (1965) and includes approximately 536 single-family dwelling units. Although this area overlaps three subdivisions, the residential uses are found primarily within Hidden Valley Subdivision. Strip commercial uses are found along Alameda Avenue including; retail shopping, auto sales and repair, Laundromats and service stations. Thirteen changes of zoning have been processed in this area; three to C-4 (Commercial) zoning, five to C-3 (Commercial) zoning, two to C-1 (Commercial) zoning and three changes to R-4 (Residential) zoning. Control Area Two, consisting of 525 housing units, was platted as Cedar Grove Subdivision (1953). The commercial uses also front along Alameda Avenue and are similar to those found in Study Area One. Within this area, four changes in zoning classification were processed. These include one change to A-2 (Apartment) zoning, one change to C-3 (Commercial) zoning and two to C-1 (Commercial) zoning.

Study Area Three was subdivided in 1913 as Morningside Heights Addition. Approximately 769 housing units are found in this area. Of the six areas, the lowest commercial activity is found in Study Area Three. The majority of dwelling units are multi-family ranging from four to eight units per structure. Ten changes in zoning occurred in this area; one to C-4 (Commercial), two to C-1 (Commercial), one to A-3 (Apartment) and six to A-2 (Apartment). In contrast, Control Area Three experienced four changes in zoning, all to C-3 (Commercial) zoning. Within Control Area Three, 471 housing units are found. The area was platted in 1906 as Grand View Addition and as Military Heights Subdivision in 1919. As in Study Area Three, several multi-family apartment complexes ranging in size from four to eight units per structure are observed. A convenience store and Laundromat are commercial activities found within this area.

As shown in Table 3, the changes in zoning were substantially higher within the study areas. Although several factors influence a change in land use, commercialization of an area is an indicative factor. Of the total rezoning changes within the study areas, fifty-nine percent were changes to commercial districts. This percentage is representative of the commercialization taking place within each area along the major arterials. The increase in zoning change may be attributable in some manner to the close proximity of the residential uses to the adult entertainment businesses. Because residences are not conducive to the adult entertainment environment, or other commercial type uses, properties within residential settings convert to office, commercial or other intensive land uses. Adult entertainment businesses, by their commercial nature, affect land uses within a neighborhood and weigh heavily on

changes to the character of such.

TABLE 3

Percent Change in Zoning Classification

(As of August, 1986)

Study Control Study Control Study Control

Area Area Area Area Area Area

One One Two Two Three Three

Change to

Residential 0 1 3 0 0 0

Change to

Apartment 4 1 0 1 7 0

Change to

Commercial 7 0 10 3 3 4

Total 11 2 13 4 10 4

Source: Department of Planning, Research and Development, Zoning Change Files, 1975 to present

Real Estate Impact

Because of the great number of variables that have the potential to cause a particular real estate market to perform erratically at a small area level, the Department of Planning, Research and Development solicited professional opinions from real estate appraisers regarding the market effect of adult entertainment businesses on land values. Locally, twenty-nine attempts to contact the real estate appraisal community were made. Nineteen total responses were received by a telephone survey conducted during the week of August 25-29, 1986 (Appendix IX). Each appraisal office was asked to respond to the following question, "In your best judgment, do you feel that adult bookstores, adult theatres and topless bars, within one block of a residential area, have a detrimental effect on residential property values?"

Of the nineteen responses, fifty-three percent (10) responded affirmatively, sixteen percent (3) responded negatively and thirty-one percent (6) offered no opinion. The most common rationale given for a no opinion response was that each type of adult entertainment business had to be judged on a case by case basis. Additionally, it was felt that adult entertainment businesses in proximity to other commercial type uses had a greater effect on neighborhood property values, than solely an adult entertainment establishment. Of the fifty-three percent who felt that residential property values were reduced, forty-seven percent from this sample also felt that commercial business values were reduced.

On a national level, the Indiana University School of Business Division of Research polled the real estate appraisal community on the subject. The survey was national in scope and was drawn at two levels. The membership of the American Institute of Real Estate Appraisers and the Member Appraisers Institute were surveyed by the University. In January 1984, approximately 1500 questionnaires were mailed. Of the respondents, eighty percent overwhelmingly felt that an adult entertainment business located in a neighborhood would have a negative impact on residential property values of premises located within one block of the site. Of these, twenty-one percent (21%) felt that the property value would decrease in excess of twenty percent (20%). Only one-fifth of all the respondents saw no resulting change in residential property values.

Seventy-two percent of those responding also felt that there would be a detrimental effect on commercial property values within a one block radius. Only ten percent felt that the effect would exceed twenty percent of worth, with the majority sixty-three percent reporting a one to twenty percent decrease in value. Twenty-eight percent of these surveyed predicted that there would be no negative effect on commercial property. While the great majority of appraisers felt that the effect of an adult entertainment business on property near a site would decrease in property value, they felt that this impact fell off sharply as the distance from the site increased. The national survey results concluded the following:

- That the majority of these appraisers who responded felt that a negative impact on residential and commercial properties was evident within one block radius of an adult entertainment business.
- That the negative impact dissipates markedly as the distance from the site increases.
- That the negative impact of an adult entertainment business is slightly greater for residential property than for commercial property.

As in the national survey, local real estate appraisers overwhelmingly indicated that an adult entertainment business does affect residential property values. Although a causal relationship between adult entertainment businesses and neighborhood deterioration cannot be proven, the statistical data does provide evidence of such a relationship.

SOCIAL EFFECTS ON NEIGHBORHOODS

Survey Objectives

Adult entertainment businesses have a strong and direct effect on people's perception of their neighborhood. This relationship was noted in the U.S. Supreme Court case of the City of Renton v. Playtime Theatres, Inc. The court ruling showed that preventative versus after the fact zoning is an appropriate means for cities to use in protecting and preserving possibly their most valuable resource, "quality of life."

As a part of this study, New Mexico State University prepared an attitudinal survey within the study and control areas to show the perceived effects of adult entertainment businesses on neighborhood residents. A neighborhood questionnaire was prepared to determine if residents of neighborhoods containing adult entertainment businesses perceived more problems in their neighborhoods than residents who live in areas which did not contain such uses. A copy of their report to the Office of the City Attorney is attached as Appendix IX.

Survey Format

The questionnaires were distributed randomly among three-hundred (300) respondents, a total of fifty respondents from each study and control area. Businesses were sampled in proportion to their prevalence in the neighborhood (using land use percentage), the remaining surveys were completed in residences. Interviews were conducted during working hours, weekends and weekday evenings. The questionnaire for residences consisted of approximately ninety-eight (98) questions. The questions dealt with perceived neighborhood problems, perceived neighborhood safety and fear of crime. All questions regarding neighborhood problems were designed for this research. The questionnaire for businesses was similar. It consisted of questions regarding neighborhood problems, fear of crime and perceived business problems.

The analyses from the questionnaires were taken separately due to the differences in questions. The results from the three study areas were combined, and those for the control areas as well. In reporting the results of the analyses, the typical statistical method of reporting $p = .05$ as significant and $p = .10$ as marginally significant was used. In the survey, the sample of three hundred is used to generalize all residents of the six neighborhoods. When sample sizes are small, as in the survey, significant differences are likely to be underestimated, therefore marginally significant differences were considered to be meaningful in the interpretation of the results.

Survey Results

In summary, the survey showed the following significant results:

- The residents of the study areas perceived significantly more neighborhood problems than the residents of the control areas ($p = .05$).
- The residents of the study areas perceived their neighborhood as significantly less safe for children than residents of the control areas ($p = .05$).
- The residents of the study areas reported being the victim of crime significantly more than the residents of the control areas ($p = .05$).
- The residents of the study areas perceived their neighborhood as somewhat less safe at night than the residents of the control areas ($p = .08$).
- The residents of the study areas feared being victimized by crime somewhat more than the residents of the control areas ($p = .10$).
- Residents of the study areas stated that they had more reasons to call the police in the past years to report a neighborhood crime than the residents of the control areas ($p = .06$).

In addition to the composite measures, some individual measures were also significant. The specific concerns that were viewed as being more pervasive in study areas than control areas are as follows: sexual dangers for women, sexual dangers for children, pornography in the schools, declining moral standards, exposure of minors to adult entertainment, declining property values and public drunkenness. Of the problems viewed as more prevalent within a neighborhood, the direct or indirect negative influence of adult entertainment businesses on children was viewed as significant. Additionally, the survey concluded that a strong and consistently higher pattern of neighborhood crime, resident fear, and resident dissatisfaction in the neighborhood containing adult entertainment was evident. To summarize, the survey clearly shows a difference between the perception of neighborhood residents in study and control areas that can be attributed to the adult entertainment businesses located within the

areas.

CRIME INCIDENCE

Within the past six years, the Congress and State Legislatures have been actively enacting legislation regulating adult entertainment businesses. Virtually all states now have some form of regulation. Of the studies, reports and articles examined from other cities, it has been consistently found that a relationship does exist between pornography and violence. The 1970 Report of the Presidential Commission on Pornography and Obscenity reported no anti-social effects attributed to pornography, and a no cause-and-effect relationship between pornography and violence. In June 1986, however, the Attorney General's Commission on Pornography, which was to assess the harm caused to society by pornography, found that "...some causal relationship to the level of sexual violence is beared from pornography" The Meese Commission, as it is more commonly referred to, also reported that more violent and explicit pornography has flooded the market since 1970. This has been accompanied by an increase in the number of sex crimes.

Additionally, the Planning Department from Phoenix, Arizona, reported in its Adult Business Study (May, 1979), that arrests for sexual crimes and locations of adult business were directly related. The study showed that a higher amount of sex offenses were committed in neighborhoods in Phoenix containing adult businesses than in neighborhoods without them.

The Data Processing Unit of the El Paso Police Department tabulated all reported incidents of crime within the study and control areas as a part of this study. The data was compiled to identify any possible differences that might have occurred between the control areas and the areas where adult entertainment establishments were in operation. The crime statistics are based on the actual instance of crime in the areas. The groupings were assembled to determine if crime occurred more frequently in areas containing adult entertainment businesses. Whether or not crime frequencies are determined by the land use (location of adult entertainment businesses) in which they were committed cannot be definitely answered. However, frequency patterns are visible from the comparison.

The reported data was assembled for the period from July to December, 1985. The type of data assembled includes property crimes, violent crimes, sex offenses and traffic violations. The following table displays major crime activities for the six month period for each area.

TABLE 4

Crimes and Offenses

(From July to December, 1985)

Study Control Study Control Study Control

Area Area Area Area Area Area

One One Two Two Three Three

Property Crimes* 129 92 125 16 181 73

Violent Crimes** 20 19 25 0 71 21

Sex Offenses*** 2 1 2 0 1 1

Traffic**** 266 209 104 28 482 151

Notes:

*Includes burglary, larceny, auto theft

**Includes murder, rape, robbery, assault

***Includes rape, indecent exposure, lewd & lascivious, child molest

****Includes moving and parking violations

Of the total number of property and violent crimes committed in the six areas, seventy-two percent (72%) of the offenses occurred within the study areas (See Figure 5). This pattern was similar in comparison with frequency of sex offenses within the same time period. Of the seven total sex offenses, five (5) or seventy-two percent (72%) occurred within the study areas. Table 5 provides a more detailed breakdown of crime within each area and is based on the total number of calls for service.

FIGURE 5

Percent Distribution of Crime

TABLE 5

Service Calls

(From July to December, 1985)

Study Control Study Control Study Control

Area Area Area Area Area Area

Type Offense One One Two Two Three Three

Murder 0 2 0 0 2 1

Rape 1 2 2 0 3 2

Robbery 1 3 10 0 4 1

Assault 18 12 13 0 62 17

Burglary 39 40 43 14 87 44
 Theft of Vehicle 18 9 15 2 30 10
 Larceny Theft 72 43 67 0 64 19
 Forgery 3 0 13 1 5 1
 Fraud 4 0 0 0 3 0
 Prohibited Weapon 5 1 5 0 9 0
 Prostitution/Vice 5 0 0 0 0 0
 Sex Offenses 2 1 2 0 1 1
 Offenses/Family 3 1 4 1 9 4
 Drug Abuse 3 1 3 0 4 0
 Liquor Laws 0 0 0 0 2 1
 Drunk 36 43 26 1 56 40
 Disorderly Conduct 201 162 177 46 495 139
 Gambling 0 1 0 0 0 0
 Lost/Stolen 21 20 9 2 25 26
 Suicide 0 0 0 1 4 0
 Attempted Suicide 0 0 1 0 1 4
 Deaths/Bodies Found 0 2 1 0 1 4
 Injured Party 13 16 13 5 26 10
 Missing Person 6 10 9 3 26 6
 Miscellaneous 482 316 281 87 1129 315
 Traffic Violations 266 209 104 28 482 151
 Offense not known 0 1 0 1 3 2
 TOTAL 1199 895 798 192 2533 794

The table below illustrates a comparison of the ratio of crime for each area. Both the study and control

areas experienced a significant incidence of crime. Much of this increase is expected given their location in generally older and more populous neighborhoods of the city. There appears to be a strong correlation between crime frequency and the residential character of neighborhoods. Furthermore, as can be seen, the ratio of crime is higher within the study areas in each classification of crime.

TABLE 6

Ratio of Crime

(From July to December, 1985)

Study Control Study Control Study Control

Area Area Area Area Area Area

One One Two Two Three Three

Property Crimes* .30 .29 .49 .36 .25 .30

Violent Crimes** .05 .06 .10 .00 .10 .09

Sex Offenses*** .01 .00 .01 .00 .00 .00

Traffic**** .64 .65 .40 .64 .65 .61

Notes:

*Includes burglary, larceny, auto theft

**Includes murder, rape, robbery, assault

***Includes rape, indecent exposure, lewd & lascivious, child molest

****Includes moving and parking violations

The sex offense rates in the study areas is most significant. There is a higher number of sex offenses committed within Study Areas One and Two which have a larger number of adult entertainment businesses located within them. Although the analysis demonstrated in the comparison will not in itself establish an effectual relationship between adult entertainment businesses and crime rates. The statistics do clearly show that within each study area the incidences are substantially higher than in the areas where adult entertainment is not offered.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Given the measures and samples chosen to determine the effects of adult entertainment businesses on neighborhoods and the attitudes of residents living near these establishments, the results of the study are quite clear. The study found that the following conditions exist within the Study Areas:

- The housing base within a study area decreases substantially with the concentration of these commercial uses.
- Properties located within a one-block radius of an adult entertainment business realize a decrease in property value (affecting both residential and commercial properties).
- Properties located near adult entertainment businesses experience an increase in listings on the real estate market.
- The presence of adult entertainment businesses result in a relative deterioration of the residential condition of a neighborhood.
- A statistically significant increase in crime is found in areas where adult entertainment businesses are located.
- The average crime rate in the study areas was seventy-two percent (72%) higher than that rate for control areas.
- Sex-related crimes occurred more frequently within neighborhoods having at least one adult entertainment business than in those with no adult businesses.
- The neighborhood residents within the study areas perceive far greater neighborhood problems than residents of the control areas.
- Study area residents feared significantly more neighborhood deterioration and crime than residents of the control areas.

No conclusions can be drawn from this study which correlate directly to a type of sexually oriented adult entertainment business. The difficulty of deriving measures for certain types of adult businesses necessitates collecting data regarding all types of adult entertainment businesses. The measures chosen for the study design, residential neighborhood condition and crime, are less difficult to convert statistically.

Since the effects demonstrated in this study relate to the concentration of adult entertainment businesses, the following recommendations should be considered in enactment of an ordinance regulating entertainment uses:

- (1) That the ordinance support a reasonable balance between neighborhood protection and the constitutional right of these businesses to exist.
- (2) That the location of adult entertainment businesses be limited in a given area to avoid the concentration of such establishments.
- (3) That a licensing system be established for categorization of these uses, such license to be obtained by the Chief of Police or other designee.
- (4) That a statement of purpose be contained within the ordinance itself to support the validity of the regulation.
- (5) That the ordinance assert and show that the regulation protects the welfare of the citizenry and the quality of neighborhoods.

- (6) That the ordinance specify distances from which an adult entertainment business may be located from a residential area, public use, or any other regulated use.
- (7) That the provisions state, in some manner, the business of selling or dispensing alcoholic beverages within an adult entertainment establishment.
- (8) That no adult entertainment establishment conduct business in a manner which permits the observation of such to any adjacent property.
- (9) That annual inspections be required of all adult entertainment businesses to determine if all provisions are complied with.
- (10) That provisions for a penalty and fine be enacted for adult entertainment businesses violating the ordinance.
- (11) That special sign regulations apply to all premises for adult entertainment.

APPENDIX I

Adult Entertainment Business Listing - Citywide

(As of June, 1986)

NAME LOCATION TYPE

Adult Theatre & Bookstore 4812 Montana 4

Aldo's Number One 3802 Pershing 1

B-G Club 6746 Edgemere 1

BK's Cocktail Lounge 4005 Leavell 1

Black Garter 7601 Alameda 1

The Brass Lounge 4321 Dyer 1

The Cabaret Club 4834 Montana 1

Cosmopolitan 6343 Alameda 1

The Dollhouse 5715 Trowbridge 1

El Cine Theatre & Books/Magazines 314 S. Oregon 4

Eros Adult Bookstore & Movies 4828 Montana 4

Eros Adult Bookstore & Movies 108 W. Paisano 4

Eros Adult Fun Center 6215 Airport Road 2

Eve Theatre 1903 Texas 2
Flower Garden 4842 Montana 1
Golden Wheel 4910 Dyer 1
Lamplighter Lounge 9857 Montana 1
Martinique Club 7144 Alameda 1
Naked Harem 6343 Alameda 1
Nero's 10662 Vista del Sol 1
The Nugget 5711 Trowbridge 1
The Oar House 6726 Alameda 1
Palomino 5813 Paisano 1
The Paradise Adult Books/Movies 209 S. El Paso 4
Persian Cat 3810 Pershing 1
Pils 4013 Flory 1
Playmate 113-115 E. Franklin 1
Rainbow Lounge 4620 Dyer 1
The Red Flame 9330 Dyer 1
Starlet Club 6108 Dyer 1
Swingers Adult Bookstore & Movies 9872 Dyer 4
Swingers Boutique Adult Bookstore & Movies 1603 Montana 4
Trixx Adult Cinema 2230 Texas 2

Notes:

1 Includes bars, lounges, and clubs operating with topless waitresses

2 Adult theatre

3 Adult bookstore

4 Adult theatre/bookstore

APPENDIX II

Real Estate Codes

4/4/86, State Codes:

A1 REAL RESIDENTIAL SINGLE FAMILY

A2 REAL RESIDENTIAL MOBILE HOME

A3 CONDOMINIUM (IF ASSESSED SEPARATELY, % PAID TOWARD COMMON AREA)

A4 TOWNHOUSE (IF ASSESSED SEPARATELY, OWN LAND)

A6 LOT UTILIZED AS MOBILE HOME

B1 REAL RESIDENTIAL MULTI FAMILY (DUPLEX)

B2 APARTMENT HOUSE (WITH OR WITHOUT STREET LEVEL STORES OR OFFICES)

B3 QUADRAPLEX OR TRIPLEX

C1 REAL VACANT RESIDENTIAL, PLATTED LOTS/TRACTS (FIVE ACRES OF LESS)

C2 REAL VACANT COMMERCIAL

C3 REAL COMMON OPEN AREA

C4 COMMERCIAL COMMON OPEN AREA

C5 AG AND NON AG (FIVE ACRES OR LESS)

C6 VACANT PARCEL WITH AMENITY VALUE

D1 REAL ACREAGE, RANCH LAND (OVER FIVE ACRES)

D2 TIMBERLAND

D3 FARM LAND (OVER FIVE ACRES)

D4 UNDEVELOPED LAND

D5 AG AND NON AG (OVER FIVE ACRES)

E1 REAL FARM AND RANCH IMPROVEMENTS (HOMESTEAD AGRICULTURAL)

E2 REAL FARM AND RANCH IMPROVEMENTS (OTHER THAN E1)

F1 REAL COMMERCIAL (STORES AND MANUFACTURING)

F2 REAL INDUSTRIAL

F3 REAL COMMERCIAL (OFFICE BUILDINGS)

F4 REAL COMMERCIAL (HOTEL AND MOTELS)

F5 REAL COMMERCIAL (GASOLINE STATIONS)

F6 REAL COMMERCIAL (GARAGES AND PARKING LOTS)
F7 REAL COMMERCIAL (WAREHOUSES)
F8 REAL COMMERCIAL (THEATRE BUILDINGS)
F9 REAL COMMERCIAL (FINANCIAL INSTITUTIONS OTHER THAN BANKS)
F0 REAL COMMERCIAL (HOSPITALS, CLINICS, AND NURSING HOMES)
G1 OIL, GAS, AND MINERAL RESERVES (UNDERGROUND)
H1 TANGIBLE PERSONAL VEHICLES
I1 REAL ESTATE OWNED BY BANKS
Y9 REFERENCE
Z1 ALL ENTITIES (SCHOOLS, CITY, WATER, COUNTY AND FIRE)
Z2 CHURCHES, PARKING LOTS, PARSONAGES AND CEMETERIES
Z3 CHARITABLE INSTITUTIONS
Z4 PRIVATE SCHOOLS
Z5 UNIVERSITY OF TEXAS
Z6 EL PASO PUBLIC SERVICE BOARD
Z7 PEOPLE OF THE STATE OF TEXAS
Z8 MEXICO
Z9 UNITED STATES OF AMERICA

APPENDIX III

Land Use - Study Area One

APPENDIX IV

Land Use - Control Area One

APPENDIX V

Land Use - Study Area Two

APPENDIX VI

Land Use - Control Area Two

APPENDIX VII

Land Use - Study Area Three

APPENDIX VIII

Land Use - Control Area Three

APPENDIX IX

Real Estate Appraisal Poll

Name Address

Andressen & Co., Inc. 403 Executive Center Blvd.

Appraisal Associates of El Paso 310 N. Mesa, Suite 212

Brenner, Aaron 806 Myrtle

Burns, Scott 1115 Airway Blvd.

Clark Appraisal Service 1855 Trawood

Davis, Jim 1851 Trawood

Davis, John Alfred & Assoc. 2829 Montana

Dempsey, Richard T., Jr. 619 Arizona

Flores, Moises 549 Magoffin

G & R Appraisal Service 3517 Firestone

Kamp, John 311 N. Kansas

McKinstry, Fred 5862 Cromo

Passero & Associates 5822 Cromo

Real Estate Appraisals of El Paso 6044 Gateway Blvd. East

Rubalcava, J. Roberto, Sr. 3030 Montana

Sellers, Ralph 5862 Cromo

Toner, David T. 4100 Rio Bravo, Suite 315

Wagner, Dennis 4900 Montana

Wood, William E., Jr. 4120 Rio Bravo

APPENDIX X

Report of the Perceived Neighborhood Problems

New Mexico State University

August, 1986

August 28, 1986

Mr. Rudy Hernandez

Office of the City Attorney

2 Civic Center Plaza

El Paso, TX 79999

Dear Mr. Hernandez:

Enclosed is the report of "The Study of Perceived Neighborhood Problems" for the Office of the City Attorney, El Paso, Texas, in accordance with our contract of June 24, 1986.

Sincerely,

Cookie White Stephan

Professor

Director, Center for Social Research

**REPORT OF THE
STUDY OF PERCEIVED NEIGHBORHOOD PROBLEMS**

**FOR THE OFFICE OF THE CITY ATTORNEY
EL PASO, TEXAS**

**BY THE CENTER FOR SOCIAL RESEARCH
NEW MEXICO STATE UNIVERSITY**

August, 1986

Cookie White Stephan, Ph.D.

Ronald A. Farrell, Ph.D.

PURPOSE

The purpose of the study was to determine if residents of the City of El Paso who live in neighborhoods containing sex-related businesses perceive more problems in their neighborhood than residents who live in comparable neighborhoods of the City which do not contain such businesses.

METHODS

Sample. The sample of the study was to consist of three neighborhoods containing topless bars, adult bookstores, and adult theatres (the experimental areas) and three similar neighborhoods containing no such businesses (the control areas). In fact, one control neighborhood (area 4) contained a topless bar. In addition, another control neighborhood (area 2) contained a home for transients and a ditch that is a primary pathway for illegals to enter the city, both of which were seen by the residents as creating an unusual number of neighborhood problems. The experimental and control neighborhoods were matched for land use patterns and demographic characteristics of residents; in each case the experimental and control neighborhoods were within close proximity. (See Appendix 1 for characteristics of the neighborhoods).

Fifty residences from each neighborhood were randomly selected for interview, for a total sample of 300 respondents. Businesses were sampled in proportion to their prevalence in the neighborhoods; the remaining surveys were completed at residences. (See Appendix 1 for sample sizes). Only respondents 17 years of age and older were interviewed. In businesses, either owners or managers were interviewed if available. Otherwise clerks were interviewed.

The respondent samples are comparable in terms of demographic characteristics, with the exception of sex. As may be seen in the analysis which follows, sex is unrelated to the responses of respondents in

this study.

The interviewers were three female graduate students at New Mexico State University. The interviews were conducted either in Spanish or English, in accordance with the respondents' wishes. Sixty-five percent of the interviews were conducted during working hours from Monday through Friday. The remaining interviews were conducted during weekends and weekday evenings. The interviewers, who wore Office of the City Attorney identification badges, explained the study as a survey of neighborhood conditions to assist the City in improving these conditions. The response rate was 79%.

Survey forms. The questionnaire for residences consisted of 98 questions. Twenty-eight questions were concerned with perceived neighborhood problems, 2 questions allowed the respondent to list additional neighborhood problems, 2 questions concerned perceived neighborhood safety for adults, 5 questions concerned perceived neighborhood safety for children (answered only by respondents with minor children living at home), 13 questions concerned fears of being the victim of various crimes, 13 questions concerned the perceived seriousness of these crimes, 13 questions concerned the experience of being the victim of these crimes, 2 questions concerned calling the police regarding crime, 7 questions concerned security measures, and 9 questions related to the demographic characteristics of the respondents. The questions regarding neighborhood problems were designed for this research. All other scales were taken or adapted from national crime surveys.

The questionnaire for businesses was similar. It consisted of 28 questions concerned with perceived neighborhood problems, 11 questions concerning fears of being the victim of various crimes, 11 questions concerning the perceived seriousness of these crimes, 11 questions concerning being a victim of these crimes, 2 questions concerning calling the police regarding crime, 7 questions regarding security measures, four questions regarding perceived business problems, and an item designating the respondent's relationship to the business. (See Appendix 2 for the survey forms).

ANALYSIS

Data from residences and businesses were analyzed separately due to differences in the questions asked in the resident and business samples.

Residences. To assess perceived neighborhood problems, a scale of perceived problems was formed from the responses to the 28 questions regarding neighborhood problems perceived to have existed during the last year. Any additional problems mentioned by the respondents were also tabulated. To assess fear of crime, a scale of fear of being the victim of 13 crimes was constructed. To assess actual victimization of crime, the respondents' rates of victimization for these 13 crimes during the last year were also tabulated. To document the seriousness with which the respondents viewed these 13 crimes, they were asked to rank their seriousness. As other measures of neighborhood problems, the number of times in the last year respondents reported they had called the police to report a crime in the neighborhood and the number of times in the last year the respondents reported they had reason to call the police to report a neighborhood crime were tabulated. To determine the extent to which the respondents felt the need to protect their homes from crime, a scale of security measures was comprised of 7 items regarding household security. The demographic characteristics of the respondents were also examined.

Businesses. A scale of perceived problems was formed from the responses to 28 questions regarding neighborhood problems perceived in the last year, and the additional problems listed by the respondents were tabulated. A scale of fear of being victimized by crime was constructed from the responses to the 11 questions regarding fear of crime. In addition, scales were constructed from the

respondents' answers to the 11 questions regarding the seriousness of these crimes and the actual number of times in the last year the respondents had been the victims of these 11 crimes. The number of times respondents reported they had called the police in the last year to report a crime in the neighborhood was tabulated, as well as the number of times they reported that they had reason to call the police in the last year to report a neighborhood crime. A scale of security measures was comprised of the 7 item regarding security. In addition, the 4 items regarding business problems and the identity of the respondent were tabulated.

Statistics. For each scale or item, a one-way analysis of variance was conducted to determine if the perception and experience of problems differed in experimental (sex-related businesses present) and control (sex-related businesses absent) neighborhoods. For these analyses, the three experimental neighborhoods were combined and the three control neighborhoods were combined. In reporting the results of these analyses, we follow the typical statistical convention of reporting $p = .05$ as significant (5 or fewer chances in 100 of finding a difference between experimental and control neighborhoods by chance) and a $p = .10$ as marginally significant (6 to 10 chances in 100 of finding a difference by chance). In this study a sample of 300 is used to generalize to all residents of the 6 neighborhoods. When sample sizes are small, as in this study, significant differences are likely to be underestimated. Therefore, we consider marginally significant differences to be meaningful in the interpretation of the results.

Residence data.

(1) The residents of the experimental neighborhoods perceived significantly more neighborhood problems than the residents of the control neighborhoods, $p < .05$. They also listed more additional neighborhood problems than the residents of the control neighborhoods.

(2) The residents of the experimental neighborhoods perceived their neighborhoods as significantly less safe for children than the residents of the control neighborhoods, $p < .05$.

(3) The residents of the experimental neighborhoods reported being the victims of crime significantly more than the residents of the control neighborhoods, $p < .05$. These crimes were perceived to be quite serious in nature.

(4) The residents of the experimental neighborhoods perceived their neighborhoods as somewhat less safe at night than the residents of the control neighborhoods, $p < .08$.

(5) The residents of the experimental neighborhoods feared being victimized by crime somewhat more than the residents of the control neighborhoods, $p < .10$.

(6) Residents of the experimental neighborhoods stated they had somewhat more reasons to call the police in the past year to report a neighborhood crime than the residents of the control neighborhoods, $p < .06$.

There were no differences in number of times residents in the experimental and control groups actually called the police to report neighborhood crimes in the last year, no differences between these groups on number of security measures in the home, and no differences in the perceived seriousness of the crimes. (See Tables 1 and 2 for all measures).

In addition to the composite measures, some individual measures also were significant. The specific problems that were viewed as being more pervasive in experimental than control neighborhoods are as follows: sexual dangers for women, sexual dangers for children, homosexual misconduct, pornography in the schools, inability of families to guide the sexual conduct of children, declining moral standards,

interference with the family's moral guidance of children, exposure of minors to adult entertainment, offensive business advertising, disturbing the peace, declining property values, public drunkenness, fighting, gambling, public indecency, and weapons. Drunk driving and adults who set bad examples for children were viewed as somewhat more pervasive in experimental than control neighborhoods.

The specific crimes of which residents of experimental neighborhoods had been a victim significantly more than residents of control neighborhoods were having someone expose themselves to the respondent and being endangered by a drunk driver. The specific crime which the residents of experimental neighborhoods feared somewhat more than residents of control neighborhoods was having someone try to sell or show them pornography.

The residents of the experimental and the control neighborhoods were similar in age, education, religion, religiosity, employment, and income. They differed only on one dimension: more females were interviewed in the experimental than in the control groups (Chi square = 4.24, $p < .05$). Additional analyses of variance showed that sex of respondent does not account for the significant differences in responses to any of the measures reported above ($F = 0.00$, $p = n.s.$ for problems, $F = 1.88$, $p = n.s.$ for reasons to call the police, $F = .77$, $p = n.s.$ for safety, $F = 1.25$, $p = n.s.$ for safety of children, $F = .66$, $p = n.s.$ for being the victim of crimes. (See Table 3 for demographic characteristics of respondents).

Respondents with minor children living at home were more likely to report having called the police to report a neighborhood crime in the last year, $p < .05$; to believe they had reason to call the police to report a neighborhood crime in the last year, $p < .01$; to perceive more neighborhood problems, $p < .01$; and to have a high degree of fear of crime, $p < .001$, relative to respondents without minor children living at home. Respondents with minor children living at home reported being the victims of somewhat more crimes than respondents without children, $p < .10$. There was also an interaction between presence/absence of children and neighborhood area. (See Table 4 for means). Respondents in the experimental group with minor children living at home reported about 3 times more neighborhood problems than respondents in all other groups, $p < .05$. These respondents were also somewhat more likely to have called the police to report a neighborhood crime in the last year than respondents in all other groups ($F = 3.18$, $p < .08$). (See Table 5 for means). Because the experimental and control neighborhoods did not differ in proportion of respondents with minor children living at home ($F = .40$, $p = n.s.$), the significant and marginally significant differences between experimental and control groups could not have been caused by such differences.

Business data. There were no differences in measures between business respondents in the experimental and control areas. The lack of significance was anticipated, due to the small sample sizes. These respondents were included to ensure feedback from all types of neighborhood users. As a result of the random selection process, several operators of sex shops were respondents in the experimental groups.

DISCUSSION

The data show that there are a number of differences between the experimental and control neighborhoods that can be attributed to sex-related businesses in the experimental neighborhoods. In neighborhoods containing sex-related businesses, residents perceive significantly more neighborhood problems, report being the victim of more crimes, and perceive the neighborhood as significantly less safe for children than residents of neighborhoods that do not contain sex-related businesses. In addition, in neighborhoods containing sex-related businesses, residents perceive their neighborhood as somewhat less safe at night, fear being the victim of crime somewhat more, and believe that they had somewhat more reasons to call the police in the past year to report a neighborhood crime than respondents in neighborhoods that do not contain sex-related businesses.

Considering the perceived problems in the control neighborhoods, especially those related to the presence of a topless bar, the data are markedly clear in showing differences between neighborhoods with and without sex-related businesses.

The residents of neighborhoods containing sex-related businesses seem particularly concerned about the influence of these businesses on children in the neighborhood. Many of the problems that are viewed as significantly more prevalent in these neighborhoods than in neighborhoods not containing sex-related businesses concern direct or indirect negative influences of these businesses on children. In addition, the residents of neighborhoods containing sex-related businesses who have minor children living at home are significantly more likely to perceive problems in their neighborhoods.

We believe that the numbers of problems reported are actually lower than the problems experienced by the residents in neighborhoods containing sex-related businesses. Many residents seemed to cope with the problems of these neighborhoods psychologically, by perceiving the sex-related businesses as being outside their neighborhood, even when they were in close proximity to their homes. It was common for respondents in the experimental areas who were only two blocks from a sex-related business to respond that their neighborhood had few problems but that the people in the neighborhoods where there were topless bars had terrible problems. This redefinition of neighborhood boundaries may have allowed residents of neighborhoods where sex-related businesses caused problems to justify their continued residence in the neighborhoods.

Other respondents told the interviewers that they could not tell them about the problems caused by the sex-related businesses because they feared retaliation, or because they feared being involved in police investigations of these businesses. Despite the interviewers' assurances of confidentiality, the identification badges worn by the respondents identifying them as being from the City Attorney's Office apparently caused many respondents to believe that their responses would be turned over to the police with their names attached.

In conclusion, the data show a strong and consistent pattern of higher neighborhood crime, resident fear, and resident dissatisfaction in the neighborhoods containing sex-related businesses relative to neighborhoods that do not contain such businesses. We believe that these neighborhood problems are sufficiently great to justify action to decrease their magnitude in these neighborhoods.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

PHYLLIS WOODALL, & JEANNIE COUTTA,]

d/b/a/ THE NAKED HAREM; ALMA RUIZ,]

SOLEDAD AGUAYO, JOHN LUCIANO,]

WHANPEN DUBOIS, CHRISTINA JAMES]

& ELENA ANNA BROWN, employees of]

PHYLLIS WOODALL & JEANNIE COUTTA;]
LOUISE COMPTON, KEN COMPTON,]
d/b/a TRIXX ADULT THEATRE; JEDJO, INC.,]
SMD ENTERPRISES, INC., d/b/a THE]
LAMPLIGHTER & RED FLAME, MARC]
DIEDRICH, President, BRUCE SEIKO,]
Manager; HIROYOSHI IWABUCHI &]
wife LUZ IWABUCHI, HENRY IWABUCHI,]
ESTELA RODRIGUEZ d/b/a LATIN PALACE]
& CABARET; ENRIQUE VILLANUEVA,]
WILLIE CENICEROS, d/b/a SWINGER'S]
CINEMA,]
]
Plaintiffs,]
]
vs.]
]
] NO. EP-88-CA-127
THE CITY OF EL PASO, TEXAS,]
the Mayor, JONATHAN ROGERS; each]
City Representative, SUZIE AZAR,]
JIMMY GOLDMAN, TONY PONCE, JETHRO]
HILLS, ED ELSEY, ROBERT CANDELARIA,]
the City Attorney, DAVID CAYLOR,]
the City Prosecutor, HERB FLEMMING,]
the Chief of Police of the City of]
El Paso, Texas, JOHN SCAGNO;]

the Chief Administrator of the Zoning]
 Office Department of the City of]
 El Paso, TX, R.A. PROVENCIO,]
 and head of vice squad, LUIS BARBA,]
]
 Defendants.]

STATE OF TEXAS

COUNTY OF EL PASO

AFFIDAVIT

Before me the undersigned authority on this day personally appeared PATRICIA D. GARCIA and CAROLE HUNTER, who after being deposed, upon oath stated as follows:

"My name is Patricia D. Garcia. My title with the Department of Planning, Research and Development for the City of El Paso is that of Current Planning Coordinator. I hereby certify that the attached documents are true and correct copies of a study prepared by the Center for Social Research at New Mexico State University, dated August 1986, entitled: "Report of the Study of Perceived Neighborhood Problems," and a study prepared by the Department of Planning, Research & Development of the City of El Paso entitled: "Effects of Adult Entertainment Businesses on Residential Neighborhoods" dated September 26, 1986.

"I hereby further certify that I am the custodian of said documents for the Department of Planning, Research & Development of the City of El Paso. I further certify that said documents were prepared at the request of the City of El Paso in anticipation of the enactment of an amendment to the zoning ordinances regulating certain adult entertainment establishments. I further certify that they were prepared by persons with personal knowledge of the contents contained therein."

PATRICIA D. GARCIA

SWORN AND SUBSCRIBED TO before me, the undersigned authority, this 28th day of September, 1989.

NOTARY PUBLIC
STATE OF TEXAS

"My name is Carole Hunter, I am the City Clerk for the City of El Paso. I hereby certify under seal, that PATRICIA D. GARCIA is the custodian of records for the Department of Planning, Research and Development of the City of El Paso with respect to the studies that were prepared at the request of the City of El Paso regarding the effect of adult entertainment businesses on neighborhoods, and that her signature as shown above, is genuine.

CAROLE HUNTER

SWORN AND SUBSCRIBED TO before me, the undersigned authority, this 28th day of September, 1989.

NOTARY PUBLIC
STATE OF TEXAS

September 26, 1986

Office of the City Attorney:

Submitted herewith is the report on Effects of Adult Entertainment Businesses on Residential Neighborhoods. The study was undertaken to examine potential negative impacts created by adult entertainment businesses to the land use characteristics of the area in which they are located. Additionally, the study examined the perceived social effects and the incidence of crime to show the

deviation between study areas having adult entertainment businesses and control areas which do not.

The analyses show that adult entertainment businesses are an obvious variable in the negative impacts in each instance of comparison. Based on the findings, the Department of Planning, Research and Development recommends that adult entertainment businesses be regulated insofar as location, concentration, licensing, signage and other such applicable provisions.

DEPARTMENT OF
PLANNING,

RESEARCH AND
DEVELOPMENT

Nestor A. Valencia, A.I.C.P.

Director

Patricia D. Garcia

Current Planning Coordinator

Land Development Division