

SUMMARY OF LAND USE STUDIES RELATING TO SECONDARY EFFECTS OF "ADULT" BUSINESSES

1. LAND USE STUDY: Amarillo, Texas
DATE: September 12, 1977

OVERVIEW: This planning department report cites several sources including national news magazines; "adult business" ordinances from other cities, and American Society of Planning Officials report and pertinent Supreme Court decisions. Lengthy explanation of the Miller test (with legal definitions), discussions of *Young v. American Mini Theaters*, and a comparison of the Boston and Detroit zoning models are included. The city defined "adult businesses" as taverns, lounges, lounges with semi-nude entertainment, and bookstores or theaters with publications featuring nudity and explicit sexual activities. At the time, Amarillo had three such theaters and four bookstores with space for such publications.

FINDINGS: The police department provided an analysis showing that areas of concentrated "adult only" businesses had 2½ times the street crime as the city average. The planning department concluded that concentrations of these businesses have detrimental effects on residential and commercial activities caused by: (1) noise, lighting and traffic during late night hours; (2) increased opportunity for street crimes; and (3) the tendency of citizens to avoid such business areas. The study noted that lack of zoning regulations would lead to concentrations of sexually oriented businesses (causing increased crime) or more such establishments locating near residential areas or family and juvenile oriented activity sites (churches, parks, etc.).

RECOMMENDATIONS: (1) Adult businesses locate 1,000 feet from each other; no recommended distance was specified from residential zones or family/juvenile activities; (2) city development of an amortization schedule and permit/licensing mechanism; (3) city regulation of signs and similar forms of advertising; (4) vigorous enforcement of State Penal Code, especially relating to "harmful to minors;" and (5) city amendments prohibiting minors from viewing or purchasing sexually oriented materials (enforced physical barriers).

2. LAND USE STUDY: Austin, Texas
DATED: May 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or lending firms (nearly half responded). For trade area characteristics, three businesses (a bookstore, theater and topless bar) were observed on a weekend night to determine customer addresses.

CRIME: Sexually related crime ranged from 177-482% higher in the four study areas than the city average. In the two study areas containing two sexually oriented businesses, the rate was 66% higher than in the study areas with one such business. All control areas had crime rates near the city average.

REAL ESTATE: 88% said that a sexually oriented business within one block of a residential area decreases the value of the homes (33% said depreciation would be at least 20%). Respondents also said such a business is a sign of neighborhood decline, making underwriters hesitant to approve the 90-95% financing most home buyers require. They said commercial property is also negatively effected by such businesses.

TRADE AREA CHARACTERISTICS: Of 81 license plates traced for owner address, only three lived within one mile of the sexually oriented business. 44% were from outside Austin.

RECOMMENDATIONS: (1) Sexually oriented businesses should be limited to highway or regionally-oriented zone districts; (2) businesses should be dispersed to avoid concentration; and (3) conditional use permits should be required for these businesses.

3. **LAND USE STUDY:** Beaumont, Texas
DATE: September 14, 1982

OVERVIEW: This report by the city planning department encourages amendments to existing "adult business" ordinances to include eating or drinking places featuring sexually oriented entertainment (strippers, etc.). Zoning laws required "adult uses" to locate 500 feet from residential areas; 300 feet from any other adult bookstore, adult theater, bar, pool hall or liquor store; and 1,000 feet from a church, school, park, or recreational facility where minors congregate.

CRIME: Police verified that bars, taverns, and lounges (especially those with sexually oriented entertainment) are frequent scenes of prostitution and the sale/use of narcotics. On the whole, all criminal activity was higher at sexually oriented businesses.

RECOMMENDATIONS: (1) Add eating/drinking places that exclude minors (under Texas law), unless accompanied by a consenting parent, guardian or spouse; (2) require specific permits for areas zoned as General Commercial-Multiple Family Dwelling Districts; and (3) reduce the required distance of sexually oriented businesses from residential areas, school, parks, and recreational facilities from 1,000 to 750 feet.

4. LAND USE STUDY: Cleveland, Ohio
DATE: August 24, 1977

OVERVIEW: This police department report is taken from information given by Captain Delau participating in a panel discussion at the National Conference on the Blight of Obscenity held in Cleveland July 28-29, 1977. The topic was "The Impact of Obscenity on the Total Community." Crime statistics are included for 1976 robberies and rapes. Areas evaluated were census tracts (204 in the whole city, 15 study tracts with sexually oriented businesses). At the time of the study, Cleveland had 26 pornography outlets (8 movie houses and 18 bookstores with peep shows). Their location was not regulated by city zoning laws.

FINDINGS: For 1976, study tracts had nearly double the number of robberies as the city as a whole (40.5 per study tract compared to 20.5 for other city tracts). In one study tract with five sexually oriented businesses and 730 people, there were 136 robberies. In the city's largest tract (13,587 people, zero pornography outlets) there were only 14 robberies. Of the three tracts with the highest incidence of rape, two had sexually oriented businesses and the third bordered a tract with two such businesses. In these three, there were 41 rapes in 1976 (14 per tract), nearly seven times the city average of 2.4 rapes per census tract.

CONCLUSION: "Close scrutiny of the figures from the Data Processing Unit on any and every phase of the degree of crime as recorded by census tracts indicates much higher crime rate where the pornography outlets are located."

5. LAND USE STUDY: Garden Grove, California
DATE: October 23, 1991

OVERVIEW: This report by independent consultants summarizes statistical analyses to determine a basis for adult business regulations because of their negative impact on the community in terms of crime, decreased property values and diminished quality of life. Statistics were measured from 1981-90 and included crime data, and surveys of real estate professionals and city residents. Garden Grove Boulevard, with seven adult businesses, was selected as the study area. The study incorporated many control factors to insure accurate results. The report includes a brief legal history of adult

business regulation and an extensive appendix with samples, materials and a proposed statute.

CRIME: Crime increases significantly with the opening of an adult business or with the expansion of an existing business or the addition of a bar nearby. The rise was greatest in "serious" offenses (termed "Part I" crimes: homicide, rape, robbery, assault, burglary, theft and auto theft). On Garden Grove Boulevard, the seven adult businesses accounted for 36% of all crime in the area. In one case, a bar opened less than 500 feet from an adult business, and serious crime within 1,000 feet of that business rose more than 300% the next year.

REAL ESTATE: Overwhelmingly, respondents said that an adult business within 200-500 feet of residential and commercial property depreciates the property value. The greatest impact was on single family homes. The chief factor cited for the depreciation was the increased crime associated with adult businesses.

HOUSEHOLD SURVEYS: 118 calls were completed in a random sample of households in the Garden Grove Boulevard vicinity. The public consensus was that adult businesses on Garden Grove Boulevard were a serious problem. Nearly 25% of the surveyed individuals lived within 1,000 feet of an adult business. More than 21% cited specific personal experiences of problems relating to these businesses, including crime, noise, litter, and general quality of life. 80% said they would want to move if an adult business opened in their neighborhood, 60% saying they "would move" or "probably would move." 85% supported city regulation of the locations of adult businesses, with 78% strongly advocating the prohibition of adult businesses within 500 feet of a residential area, school or church. Women commonly expressed fear for themselves and their children because of adult businesses.

RECOMMENDATIONS: The report concludes that adult businesses have "real impact" on everyday life through harmful secondary effects and makes four recommendations: (1) keep current requirement of 1,000 feet separation between adult businesses; (2) prohibit adult establishments within 1,000 feet of residential areas; (3) enact a system of conditional use permits for adult businesses with Police Department involvement in every aspect of the process; and (4) prohibit bars/taverns within 1,000 feet of an adult business.

6. **LAND USE STUDY:** Houston, Texas
DATE: November 3, 1983

OVERVIEW: Report by the Committee on the Proposed Regulation of Sexually Oriented Businesses determines the need and appropriate means of regulating such businesses. Four public hearings provided testimony from residents, business owners,

realtors, appraisers, police and psychologists. The committee and legal department then reviewed the transcripts and drafted a proposed ordinance. More hearings obtained public opinion on the proposal and the ordinance was refined for vote by the City Council.

TESTIMONY: The testimony was summarized into six broad premises: (1) the rights of individuals were affirmed; (2) sexually oriented businesses could exist within regulations that minimize their adverse effects; (3) the most important negative effects were on neighborhood protection, community enhancement, and property values; (4) problems increased when these businesses were concentrated; (5) such businesses contributed to criminal activities; and (6) enforcement of existing statutes were difficult.

ORDINANCE: (1) Required permits for sexually oriented businesses (non-refundable \$350 application fee); (2) distance requirements: 750 feet from a church or school; 1,000 feet from other such businesses; 1,000 foot radius from an area of 75% residential concentration; (3) amortization period of six months that could be extended by the city indefinitely on the basis of evidence; (4) revocation of permit for employing minors (under 17), blighting exterior appearance or signage, chronic criminal activity (three convictions), and false permit information; and (5) age restrictions for entry.

LAND USE STUDY: Houston, TX
DATE: January 7, 1997

OVERVIEW: This report by the Sexually Oriented Business Revision Committee to the City Council concerns a proposed amendment and addition to the present ordinance. The report summarizes prior efforts to regulate sexually oriented businesses, testimony by the Vice Division of the Houston Police Department, reports and requests, citizen correspondence, industry memos, legal department research, the public testimony taken by the Committee. The purpose of this report was to review the existing city ordinance and the city's ability to enforce it, and to assess and analyze the ordinance with respect to its strengths and weaknesses in terms of how effectively the ordinance protects the public and the businesses subject to regulation.

FINDINGS/CONCLUSIONS: (1) Because of criminal activities associated with sexually oriented businesses, requiring the licensing of entertainers and managers can establish a foundation for documenting those with prior convictions for prostitution, public lewdness, etc. and can help eliminate underage entertainers (under 18); (2) a serious predicament in obtaining convictions for public lewdness, prostitution, indecent exposure, and other criminal activities exists because police officers do not engage in inappropriate behavior and the entertainer thus avoids lewd behavior that might normally occur; (3) "glory holes" are used to promote anonymous sex and facilitate the spread of sexually transmitted diseases; (4) sexually oriented businesses that did not have clear

lines of vision encouraged lewd behavior or sexual contact; (5) multi-family tracts were being counted as one tract in the residential quota, although many families were living independently upon one tract; (6) inadequate lighting prevents managers and police officers from monitoring illegal activities, and one possible approach is to make lighting requirements similar to the minimum requirements of the Uniform Building Code for "exit" signs; (7) businesses with locked rooms were often used as fronts for prostitution; (8) public parks and possibly private parks should be included in distancing restrictions; (9) notification of a pending sexually oriented business permit should be given to surrounding neighbors of proposed sites; and (10) continuation of the amortization provisions of the previous ordinances would be preferable to grandfathering nonconforming sexually oriented businesses since grandfathering such businesses allows those uses to continue in perpetuity, creates a monopolistic position for such uses and prevents the municipality from exercising its power to protect its residents.

ORDINANCE: (1) Include "arcade devices" (enclosed booths) intended for viewing by less than one hundred persons in the prohibition for enclosed booths; (2) prohibit wall penetrations ("glory holes"); (3) increase distance requirements from 750 feet to 1,500 feet for churches, schools and day care centers, and increase the radius for counting residential tracts from 1,000 feet to 1,500 feet, without unduly restricting availability of locations; (4) for each acre of multi-family tract, utilize a ratio of eight single family tracts; (5) extend signage and exterior appearance restrictions to businesses located in multi-tenant centers; (6) require lighting of intensity to illuminate customer areas to not less than one foot candle as measured at four feet above floor level; (7) include public parks and if possible, private parks as protected land uses; (8) upon filing of a permit application, applicants must place signs at the premises and publish notices in the newspaper; (9) require permits for all entertainers and managers; (10) prohibit entertainers from touching customers; and (11) continue amortization of existing businesses with extensions of time for affected businesses to comply (prior average extensions were for about 2 to 3 years).

7. LAND USE STUDY: Indianapolis, Indiana
DATED: February 1984.

OVERVIEW: After a ten year growth in the number of sexually oriented businesses (to a total of 68 of 43 sites) and numerous citizens' complaints of decreasing property values and rising crime, the city compared six sexually oriented business "study" areas and six "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were four times more common in residential study areas than commercial study areas with sexually oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only $\frac{1}{2}$ the rate of homes in the control areas, and $\frac{1}{3}$ the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually oriented business within one block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value depreciation on residential areas near sexually oriented businesses is greater than commercial locations. The report concludes: "the best professional judgment available indicates overwhelmingly that adult entertainment businesses - even a relatively passive use such as an adult bookstore - have a serious negative effect on their immediate environs."

RECOMMENDATIONS: Sexually oriented businesses locate at least 500 feet from residential areas, schools, churches or established historic areas.

8. **LAND USE STUDY: Los Angeles, California**
DATE: June 1977

OVERVIEW: The department of city planning studied the effects of the concentration of sexually oriented businesses on surrounding properties for the years 1969-75 (a time of proliferation for such businesses). The report focuses on five areas with the greatest concentration of these businesses (compared to five "control" areas free of them), and cites data from property assessments/sales, public meeting testimony, and responses from two questionnaires (one to business/residential owners within a 500 foot radius of the five study areas and a second to realtors/real estate appraisers and lenders). Crime statistics in the study areas were compared to the city as a whole. Also included: a chart of sexually oriented business regulations in eleven major cities, details of current regulations available under state/municipal law, and appendices with samples of questionnaires, letters, and other study materials.

PROPERTY: While empirical data from 1969-75 did not conclusively show the relation of property valuations to the concentration of sexually oriented businesses, more than 90% of realtors, real estate appraisers and lenders responding to city questionnaires said that a grouping of such businesses within 500-1,000 feet of residential property decreases the market value of the homes. Also, testimony from residents and business

people at two public meetings spoke overwhelmingly against the presence of sexually oriented businesses citing fear, concern for children, loss of customers and difficulty in hiring employees at non-adult businesses, and the necessity for churches to provide guards for their parking lots.

CRIME: More crime occurred in areas of sexually oriented business concentration. Compared to city-wide statistics for 1969-75, areas with several such businesses experienced greater increases in pandering (340%), murder (42.3%), aggravated assault (45.2%), robbery (52.6%), and purse snatching (17%). Street robberies, where the criminal has face-to-face contact with his victim, increased almost 70% more in the study areas. A second category of crime, included other assaults, forgery, fraud, counterfeiting, embezzlement, stolen property, prostitution, narcotics, liquor laws, and gambling increased 42% more in the study areas over the city as a whole.

RECOMMENDATIONS: The study recommended distances of more than 1,000 feet separating sexually oriented businesses from each other, and a minimum of 500 feet separation of such businesses from schools, parks, churches and residential areas.

9. **LAND USE STUDY: Minneapolis, Minnesota**
DATE: October 1980

OVERVIEW: This report is divided into two sections: the relationship of bars and crime and the impact of "adult businesses" on neighborhood deterioration. In the study, an "adult business" is one where alcohol is served (including restaurants) or a sexually oriented business (*i.e.*, saunas, adult theaters and bookstores, rap parlors, arcades, and bars with sexually oriented entertainment). Census tracts were used as study areas and evaluated for housing values and crime rates. Housing values were determined by the 1970 census compared to 1979 assessments. Crime rates were compared for 1974-75 and 1979-80. The study is strictly empirical and reported in a formal statistical manner; therefore it is difficult for layman interpretation of the data.

FINDINGS: The report concludes that concentrations of sexually oriented businesses have significant relationship to higher crime and lower property values. Other than statistical charts, no statements of actual crime reports or housing values are included in the report. Thus, the lay reader has only the most generalized statement of how the committee interpreted the empirical data.

RECOMMENDATIONS: First, that adult businesses be at least 1/10 mile (about 500 feet) from residential areas. Second, that adult business should not be adjacent to each other or even a different type of late night business (*i.e.*, 24-hour laundromat, movie theaters). Third, that adult businesses should be in large commercial zones in various

parts of the city (to aid police patrol and help separate adult businesses from residential neighborhoods). The report said "policies which foster or supplement attitudes and activities that strengthen the qualities of the neighborhood are more likely to have desired impacts on crime and housing values than simple removal or restriction of adult businesses."

10. LAND USE STUDY: New York, New York
DATE: November 1994

OVERVIEW: This study by the Department of City Planning evaluates the nature and extent of adverse impacts associated with adult entertainment uses in communities in New York City, in response to the proliferation of such uses (35% increase in past 10 years) and the fact that current zoning regulations did not distinguish between adult entertainment uses and other commercial uses without an "adult character." The study reviewed studies in other localities, including Islip, Los Angeles, Indianapolis, Whittier, Austin, Phoenix, and the State of Minnesota, as well as prior studies conducted in New York City. Surveys in six study areas within the city (with lesser concentrations of adult uses than Times Square) were conducted of representatives from community boards, local organizations and local businesses, as well as real estate brokers, police and sanitation officers, and representatives of the adult entertainment industry to gather information on land use, street and signage conditions, and other impacts of adult entertainment uses. An analysis of assessed values and crime data was also made.

FINDINGS: More than 75% of adult uses are located in zoning districts that permit residential uses. Adult uses tend to concentrate, as 75% of the adult uses are located in ten of the city's 59 Community Districts. Adult uses tend to cluster in central locations or along major vehicular routes. Adult use accessory business signs are characterically at odds with neighborhood character - such signs generally occupy a greater percentage of storefront surface area, are more often illuminated and more often portray graphic, sexually-oriented images than the signs of other nearby commercial uses. 80% of surveyed real estate brokers reported that an adult entertainment use would have a negative impact upon the market value of property within 500 feet, and a majority indicated the same would occur within 500 to 1,000 feet. 80% of surveyed community organizations responded that adult entertainment uses negatively impact the community in some way, and almost 50% of surveyed businesses responded that they believed their businesses would be negatively affected if more adult uses were to locate nearby. Community residents expressed the strongest negative reactions to adult uses, and expressed fear of the consequences of the proliferation and concentration of adult uses in neighborhood-oriented shopping areas and of a deterioration in the quality of urban life, even in study areas where it could not be readily determined that negative impacts were being felt. Attitudinal data of the surveys are significant even where the negative impacts are currently difficult to measure, since negative perceptions associated with an

area can lead to disinvestment in residential neighborhoods and economic decline because of a tendency to avoid such shopping areas. The analysis of criminal complaint data and property assessed valuation data was less conclusive than the surveys.

RECOMMENDATIONS: The study concludes that it is appropriate to regulate adult entertainment establishments differently from other commercial establishments. Because of the negative impacts of adult uses in concentration, restrictions on the location of adult uses in proximity to residential areas, to houses of worship, to schools and to each other should be considered in developing adult use regulations.

11. LAND USE STUDY: Newport News, Virginia
DATED: March 1996

12. LAND USE STUDY: Oklahoma City, Oklahoma
DATED: March 3, 1986

OVERVIEW: This study contains the results of a survey of 100 Oklahoma City real estate appraisers. Appraisers were given a hypothetical situation and a section to comment on the effect of sexually oriented businesses in Oklahoma City. The hypothetical situation presented a residential neighborhood bordering an arterial street with various commercial properties which served the area. A building vacated by a hardware store was soon to be occupied by an "adult" bookstore. No other sexually oriented businesses were in the area and no other vacant commercial space existed. With less than a one month response time, 34 completed surveys were received by the city.

FINDINGS: 32% of the respondents said that such a bookstore within one block of the residential area would decrease home values by at least 20%. Overwhelmingly, respondents said an "adult" bookstore would negatively effect other businesses within one block (76%). The level of depreciation is greater for residences than businesses. The negative effects on property values drop sharply when the sexually oriented business is at least three blocks away. In the subjective portion, 85% of the respondents noted a negative impact on sexually oriented businesses on Oklahoma City. Frequent problems cited by the appraisers included the attraction of undesirable clients and businesses, safety threats to residents and other shoppers (especially children), deterrence of home sales and rentals, and immediate area deterioration (trash, debris, vandalism).

CONCLUSIONS: Oklahoma City's findings supported results from other national studies and surveys. Sexually oriented businesses have a negative effect on property values, particularly residential properties. The concentration of sexually oriented businesses may mean large losses in property values.

13. LAND USE STUDY: Phoenix, Arizona
DATE: May 25, 1979

OVERVIEW: The study examines crime statistics for 1978 comparing areas which have sexually oriented businesses with those that do not. The results show a marked increase in sex offenses in neighborhoods with sexually oriented businesses, with modest increases in property and violent crimes as well.

Three study areas (near locations of sexually oriented businesses) and three control areas (with no sexually oriented businesses) were selected. The study and control areas were paired according to the number of residents, median family income, percentage of non-white population, median age of population, percentage of dwelling units built since 1950, and percentage of acreage used for residential and no-residential purposes.

CRIME: Three categories of criminal activity were included in the study: property crimes (burglary, larceny, auto theft), violent crimes (rape, murder, robbery, assault), and sex crimes (rape, indecent exposure, lewd and lascivious behavior, child molestation).

Average results from all three study/control areas, sex offenses were 506% greater in neighborhoods where sexually oriented businesses were located. (In one study area, sex crimes were more than 1,000% above the corresponding control area.) Property crimes were 43% greater. Violent crimes were only slightly higher (4%). Even excluding indecent exposure arrests (the most common sex offense), other sex crimes (rape, lewd and lascivious behavior, child molestation) in the study areas were 132% greater than control areas.

REQUIREMENTS: The Phoenix ordinance requires sexually oriented businesses to be located at least 1,000 feet from another sexually oriented business and 500 feet from a school or residential zone. Approval by the city council and area residents can waive the 500 foot requirement. A petition which is signed by 51% of the residents in the 500 foot radius who do not object must be filed and verified by the planning director.

14. LAND USE STUDY: Seattle, Washington
DATED: March 24, 1989

OVERVIEW: The report concerns a proposed amendment to add topless dance halls to existing land use regulations for "adult entertainment establishments." Seattle had eight such dance halls (termed "adult cabarets"), six established since 1987. The study relies on reports from a number of cities, including Indianapolis, Los Angeles, Phoenix, Austin and Cleveland.

FINDINGS: The increased number of cabarets resulted in citizen complaints, including phone calls, letters (from individuals and merchant associations), and several petitions with hundreds of signatures. Protests cited decreased property values; increased insurance rates; fears of burglary, vandalism, rape, assaults, drugs, and prostitution; and overall neighborhood deterioration. The report notes that patrons of these cabarets most often are not residents of nearby neighborhoods. Without community identity, behavior is less inhibited. Increased police calls to a business, sirens, and traffic hazards from police and emergency vehicles are not conducive to healthy business and residential environments.

RECOMMENDATIONS: Since city zoning policy is based on the compatibility of businesses, the report recommends that the cabarets locate in the same zones as "adult motion picture theaters." This plan allows about 130 acres for such businesses to locate throughout the city.

15. **LAND USE STUDY: Times Square (New York City), New York**
DATE: April 1994

OVERVIEW: This study commissioned by the Times Square Business Improvement District ("TSBID") evaluates the effect of adult use businesses on the city's TSBID, and more specifically, on the areas within the TSBID where such businesses are densely concentrated. The study combined analysis of available data on property values and incidence of crime with a demographic and commercial profile of the area to determine the relationship between the concentration of adult use businesses and negative impacts on businesses and community life. The study also included 54 interviews conducted with a broad range of diverse business and real estate enterprises, including major corporations, smaller retail stores, restaurants, theatres and hotels, as well as Community Boards, block associations, activists and advocates, churches, schools and social service agencies.

REAL ESTATE: This part of the study compared the assessed property values over time, and the rate of change, of four study blocks and contrasting control blocks where no adult use businesses existed. This analysis also compared the study and control blocks' assessed valuation to that of the TSBID, Manhattan, and the city as a whole. The rate of increase of the total actual assessed values of the study blocks between 1985 and 1993 was less than the rate of increase for the control blocks during the same period. An assessment of the study blocks also revealed that the rates of increases in assessed value for properties with adult establishments was greater than the increase for properties on the same blockfront without adult establishments (possibly because of greater rents paid by some adult establishments). A high official in the Department of Finance indicated that the presence of adult use businesses adversely affects neighboring properties since

such presence is factored into the locational aspect of the appraisal formula.

CRIME: This part of the study compared the number of criminal complaints over a three month period for the study blocks and the control blocks. There were about twice as many criminal complaints for the study blocks as the control blocks. There was a reduction in criminal complaints the further away from the study block area of dense concentration of adult use businesses. The heaviest incidence of prostitution arrests also occurred in the study block area of dense concentration of adult use businesses. The study also noted that police statistics showed a decrease in crime in Times Square for the past five year period, which paralleled the decrease in the number of adult use businesses.

INTERVIEWS: Property and business owners expressed the view that adult use businesses have a negative effect on the market or rental values of businesses located in their vicinity, and emphasized the negative effects of a concentration of such businesses in affecting the overall image of the area. Restaurant owners expressed that the presence of adult use businesses was not good for their businesses, created a perception that the area was unsavory, made it difficult to book corporate parties, and negatively affected their businesses because of the flamboyant advertising. Community residents and organizations expressed their belief that adult use businesses attract loiterers, drug dealers, and prostitutes, and result in increased instances of criminal activity.

16. **LAND USE STUDY:** Tucson, Arizona
DATED: May 1, 1990

OVERVIEW: This report is a memorandum from Police Department Investigative Services to the City Prosecutor describing events and activities at "adult entertainment bookstores and establishments" that support stronger ordinances. Investigation had been in progress since 1986 following numerous complaints of illegal sexual activity and unsanitary conditions.

FINDINGS: Officers found a wide variety of illegal sexual conduct at all adult businesses. At virtually every such business, employees were arrested for prostitution or obscene sex shows. Dancers were usually prostitutes where, for a price, customers could observe them performing live sex acts. At several businesses, customers were allowed inside booths with dancers and encouraged to disrobe and masturbate. Many times, dancers would require customers to expose themselves before they would perform. Underage dancers were found, the youngest being a 15 year old female.

Within peep booths, officers found puddles of semen on the floor and walls. If customers had used tissues, these were commonly on the floor or in the hallway. On two occasions, fluid samples were collected from the booths. In the first instance, 21 of 26

samples (81%) tested positive for semen. In the second sampling, 26 of 27 fluid samples (96%) tested positive for semen. "Glory holes" in the walls between adjoining booths facilitated anonymous sex acts between men.

RECOMMENDATIONS: (1) The bottom of the door in peep booths must be at least 30 inches from the floor so that an occupant can be seen from waist down when seated; (2) the booth cannot be modified nor can a chair be used to circumvent the visibility of the client; (3) employee licensing that includes a Police Department background check; and (4) in the event of a denied or revoked license, the requirement of a hearing before any action is taken.

17. LAND USE STUDY: Whittier, California
DATE: January 9, 1978

OVERVIEW: After experiencing a rapid growth of sexually oriented businesses since 1959, the Whittier City Council commissioned a study of the effects of businesses on the adjacent residential and commercial area. At the time of the study, Whittier had 13 such businesses: six model studios, four massage parlors, two bookstores, and one theater. Utilizing statistics, testimonies, and agency reports, the study compared two residential areas and four business areas over a span of ten years (1968-1977). One residential area was near the largest concentration of sexually oriented businesses, the other had no commercial frontage but was chosen because of similar street patterns, lot sizes and number of homes. For businesses, Area 1 had six sexually oriented businesses, Area 2 had one, Area 3 had three, and Area 4 had none. 1973 was selected as the year to compare before/after effect of these businesses. Two chief concerns cited in the report are residential/business occupancy turnover and increased crime.

OCCUPANCY TURNOVER: After 1973, 57% of the homes in the sexually oriented business area had changes of occupancy, compared to only 19% of the non-sexually oriented business area. Residents complained of "excessive noise, pornographic material left laying about, and sexual offenders (such as exhibitionists) venting their frustrations in the adjoining neighborhood." Citizens also expressed concern about drunk drivers coming into the area. Business Area 1, with the highest concentration of sexually oriented businesses (6), experienced a 134% increase in annual turnover rate. Area 3, with three adult businesses at one location, showed a 107% turnover rate. Area 2 (with one adult business) had no measurable change and Area 4 (with no commercial or sexually-oriented businesses) experienced a 45% decrease in turnover from similar periods.

CRIME: The city council looked at the two residential areas for the time periods of 1970-73 (before sexually oriented businesses) and 1974-77 (after such businesses). In the sexually oriented business area, criminal activity increased 102% (the entire city had

only an 8.3% increase). Certain crimes skyrocketed (malicious mischief up 700%; all assaults up 387%; prostitution up 300%). All types of theft (petty, grand, and auto), increased more than 120% each. Ten types of crime were reported of the first time ever in the 1974-77 period.

RECOMMENDATIONS: The council's report recommended a disbursement type ordinance that prohibits sexually oriented businesses closer than 500 feet to residential areas, churches, and schools. Distances between such businesses was recommended at 1,000 feet. In addition, the study proposed a 1,000 foot separation from parks because of their use by citizens after normal working hours. Sexually oriented businesses would be given an 18-36 month amortization period (if the change involved only stock in trade, a 90 days period was recommended).