



CITY OF SACRAMENTO

32

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

March 18, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Amendment of the Zoning Ordinance regarding Adult Entertainment Activities and Old Sacramento (M-543)

SUMMARY

This is a proposal to amend the section of the Zoning Ordinance regulating adult entertainment activities. The proposed amendment would clarify and define in more detail the type of adult activities in an adult cabaret and include Old Sacramento as a national historical park which prohibits such adult entertainment activities. The staff and Planning Commission recommend approval of the amendment.

BACKGROUND INFORMATION

In the latter part of 1978, the Planning Commission and City Council approved a Zoning Ordinance amendment that controls the location of adult entertainment activities. Subsequent to its adoption, there have been questions regarding the definition of adult cabarets and whether or not male burlesque dancers are included in this definition. Also, there is a question as to whether or not Old Sacramento constitutes a park site which would prohibit adult entertainment activities.

As a result, the City Attorney's office prepared the attached ordinance in an attempt to clarify these situations. The proposed ordinance would expand the definition of an adult cabaret to address burlesque-type entertainment. It also defines Old Sacramento as a national historic park site and its location.

The staff believes the amendments are necessary to clarify the ambiguities in the Zoning Ordinance. Also, the proposed ordinance will not affect any existing adult entertainment establishments.

VOTE OF COMMISSION

On February 26, 1981, the Planning Commission, by a vote of eight ayes, one absent, recommended approval of the Zoning Ordinance amendment.

APPROVED
BY THE CITY COUNCIL

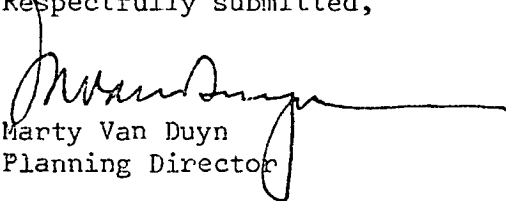
MAR 24 1981

OFFICE OF THE
CITY CLERK

RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve the attached ordinance.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
M-543

March 24, 1981
All Districts

81-016

ORDINANCE NO.

FOURTH SERIES

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO ADULT ENTERTAINMENT ACTIVITIES AND OLD SACRAMENTO. (M-543)

SECTION 1. PURPOSE.

The City Council has found that certain uses of real property, specifically adult bookstores, indoor and outdoor adult motion picture theaters, adult cabarets, adult motels, sexual encounter centers, and model studios, have serious objectionable and deleterious effects, particularly when located in close proximity to each other and when located in close proximity to residentially zoned or used property. (See Ordinance No. 4166, Fourth Series)

The City Council hereby further finds that burlesque-type entertainment uses which feature burlesque shows with cress or bottomless dancing, striptease, male or female impersonators, or similar activities, have the same serious objectionable and deleterious effects as the uses described above when located in close proximity to each other and when located in close proximity to residentially zoned or used property. Said objectionable effects include the creation of a "skid-row" atmosphere; the creation of blight, downgraded neighborhoods, and devalued properties; and the interference with the operation of motels, hotels, and lodging houses, restaurants, schools, parks, and other family-oriented businesses and activities within the City. The regulations contained in this ordinance are adopted and are reasonably necessary to control burlesque-type entertainment uses in the same manner as other adult entertainment activities to avoid the serious objectionable and deleterious effects said activities have on surrounding land uses.

The City Council further finds that as a national historical park, Old Sacramento is a unique and valuable asset to the City of Sacramento and should be maintained and operated in a manner to encourage its preservation and restoration, to enhance its architectural and environmental character, and to promote its use and enjoyment by all members of the public; and that the above described uses, including burlesque-type entertainment, with their accompanying deleterious effects of blight and neighborhood degradation are incompatible with and would seriously militate against these objectives for the preservation of Old Sacramento. The regulations contained in this ordinance are adopted and are reasonably necessary to protect the character and quality, and promote the use and enjoyment, of Old Sacramento as a national historical park by prohibiting the location of adult entertainment activities within or near its boundaries.

APPROVED
BY THE CITY COUNCIL

MAR 24 1981

OFFICE OF THE
CITY CLERK

SECTION 2.

Section 2-E-22 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

22. A Special Permit shall be required to establish the particular use in this zone. In addition to the requirements of Section 15 of this ordinance for issuing a special permit, the following requirements apply to a special permit for an adult entertainment establishment or activity.

(a) No special permit shall be issued for such uses an adult entertainment establishment or activity unless the following minimum standards have been met:

(1) That said use is more than one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels from any residential or agricultural zone.

(2) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any school, church, temple or other place of religious worship, park, playground or similar use, and is situated outside of and more than one thousand feet from the Old Sacramento historical park.

(3) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any other "adult entertainment establishment" or "adult entertainment activity."

(b) The Planning Commission may consider a special permit application to waive the standards set forth above only in cases where the following findings can be made:

(1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this ordinance will be observed; and

(2) That the proposed use will not enlarge or encourage the development of a "skid-row" area; and

(3) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement or redevelopment, either residential or nonresidential; and

(4) That all applicable regulations of this ordinance and the City Code will be observed.

The Commission shall not make the findings required by paragraph (b)(1) above unless evidence is presented indicating that the applicant has presented the plans for the project to persons residing within or owning or operating a business within 300 feet of such project and a substantial number of such persons have certified in writing that they do not object to the establishment of the proposed use in their area. Presentation of such certification, however, shall not necessarily be the only evidence necessary to support the required finding.

SECTION 3. Section 22-A-55(b) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(b) Adult Cabaret. Adult cabaret is a building or portion thereof or area used for the presentation or exhibition or featuring ~~of-topless-or-bottomless-dancers, strippers, male-or-female-impersonators-or-similar-entertainers~~ of any or all of the following activities for observation by patrons or customers, and which establishment restricts admission to such building, or portion thereof, or area, to adults only:

(i) male or female topless or bottomless dancers, male or female impersonators, or similar entertainers;

(ii) male or female stripteasers, whether nude or partially clothed;

(iii) burlesque-type entertainment, including shows or skits which include topless or bottomless dancing, male or female impersonators, striptease, or similar entertainment.

SECTION 4. Section 22-A-62 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

62. Old Sacramento. Old Sacramento is the national historical park located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east, and I Street and the I Street Bridge on the north.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE February 26, 1981
 ITEM NO. 23 FILE NO. P-
M-543

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- EIR DETERMINATION
- OTHER Ordinance Amending
 zoning Ordinance re adult
entertainment activities and
Old Sacramento

Recommendation:
 Favorable
 Unfavorable
 LOCATION: _____
 Petition Correspondence

<u>NAME</u>	<u>PROponents</u>	<u>ADDRESS</u>

<u>NAME</u>	<u>OPponents</u>	<u>ADDRESS</u>

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	✓		✓	
Goodin	✓			
Holloway	✓			
Hunter	✓			
Larson	✓			✓
Nuraki	✓			
Silva	✓			
Simpson	✓			

- MOTION:
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
 - TO RECOMMEND APPROVAL _____ & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER _____

City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: Amendment of the Zoning Ordinance regarding adult entertainment activities and Old Sacramento (M-543)

SUMMARY

The proposed amendment would clarify and define in more detail the type of adult activities in an adult cabaret and include Old Sacramento as the national historical park which prohibits such adult entertainment activities.

BACKGROUND INFORMATION

In the latter part of 1978 the Planning Commission and City Council approved a Zoning Ordinance amendment that controls the location of adult entertainment activities. Subsequent to its adoption, there have been questions regarding the definition of adult cabaret and whether or not male burlesque dancers are included in this definition. Also, there is a question as to whether or not Old Sacramento constitutes a park site which would prohibit adult entertainment activities.


As a result, the City Attorney's office prepared the attached ordinance in an attempt to clarify these situations. The proposed ordinance would expand the definition of an adult cabaret to address burlesque-type entertainment. It also defines Old Sacramento as a national historic park site and its location.

Staff believes the amendments are necessary to clarify the ambiguities in the Zoning Ordinance.

RECOMMENDATION

The staff recommends that the Planning Commission approve the attached ordinance amendment.

Respectfully submitted,


Howard Yee
Principal Planner

HY:bw

Attachment

M-543

February 26, 1981

Item No. 23



CITY OF SACRAMENTO

23

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN

PLANNING DIRECTOR

March 11, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO ADULT ENTERTAINMENT ACTIVITIES IN OLD SACRAMENTO (M-543)

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.


BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to March 24, 1981.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE
CITY MANAGER

APPROVED PFP 4
BY THE CITY COUNCIL cont 40

MAR 17 1981

OFFICE OF THE
CITY CLERK

3-24-81

MVD:jm
Attachments
M-543

March 17, 1981
District No. 1

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO ADULT ENTERTAINMENT ACTIVITIES IN OLD SACRAMENTO.

SECTION 1. PURPOSE.

The City Council has found that certain uses of real property, specifically adult bookstores, indoor and outdoor adult motion picture theaters, adult cabarets, adult motels, sexual encounter centers, and model studios, have serious objectionable and deleterious effects, particularly when located in close proximity to each other and when located in close proximity to residentially zoned or used property. (See Ordinance No. 4166, Fourth Series)

The City Council hereby further finds that burlesque-type entertainment uses which feature burlesque shows with topless or bottomless dancing, striptease, male or female impersonators, or similar activities, have the same serious objectionable and deleterious effects as the uses described above when located in close proximity to each other and when located in close proximity to residentially zoned or used property. Said objectionable effects include the creation of a "skid-row" atmosphere; the creation of blight, downgraded neighborhoods, and devalued properties; and the interference with the operation of motels, hotels, and lodging houses, restaurants, schools, parks, and other family-oriented businesses and activities within the City. The regulations contained in this ordinance are adopted and are reasonably necessary to control burlesque-type entertainment uses in the same manner as other adult entertainment activities to avoid the serious objectionable and deleterious effects said activities have on surrounding land uses.

The City Council further finds that, as a national historical park, Old Sacramento is a unique and valuable asset to the City of Sacramento and should be maintained and operated in a manner to encourage its preservation and restoration, to enhance its architectural and environmental character, and to promote its use and enjoyment by all members of the public; and that the above described uses, including burlesque-type entertainment, with their accompanying deleterious effects of blight and neighborhood degradation are incompatible with and would seriously militate against these objectives for the preservation of Old Sacramento. The regulations contained in this ordinance are adopted and are reasonably necessary to protect the character and quality, and promote the use and enjoyment, of Old Sacramento as a national historical park by prohibiting the location of adult entertainment activities within or near its boundaries.

SECTION 2.

Section 2-E-22 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

22. A Special Permit shall be required to establish this particular use in this zone. In addition to the requirements of Section 15 of this ordinance for issuing a special permit, the following requirements apply to a special permit for an adult entertainment establishment or activity.

(a) No special permit shall be issued for an adult entertainment establishment or activity unless the following minimum standards have been met.

(1) That said use is more than one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels from any residential or agricultural zone.

(2) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any school, church, temple or other place of religious worship, park, playground or similar use, and is situated outside of and more than one thousand feet from the Old Sacramento historical park.

(3) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any other "adult entertainment establishment" or "adult entertainment activity."

(b) The Planning Commission may consider a special permit application to waive the standards set forth above only in cases where the following findings can be made:

(1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this ordinance will be observed; and

(2) That the proposed use will not enlarge or encourage the development of a "skid-row" area; and

(3) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement or redevelopment, either residential or nonresidential; and

(4) That all applicable regulations of this ordinance and the City Code will be observed.

The Commission shall not make the findings required by paragraph (b)(1) above unless evidence is presented indicating that the applicant has presented the plans for the project to persons residing within or owning or operating a business within 300 feet of such project and a substantial number of such persons have certified in writing that they do not object to the establishment of the proposed use in their area. Presentation of such certification, however, shall not necessarily be the only evidence necessary to support the required finding.

SECTION 3.

Section 22-A-55(b) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(b) Adult Cabaret. Adult cabaret is a building or portion thereof or area used for the presentation or exhibition or featuring of any or all of the following activities for observation by patrons or customers, and which establishment restricts admission to such building, or portion thereof, or area, to adults only:

(i) male or female topless or bottomless dancers, male or female impersonators, or similar entertainers;

(ii) male or female stripteasers, whether nude or partially clothed;

(iii) burlesque-type entertainment, including shows or skits which include topless or bottomless dancing, male or female impersonators, striptease, or similar entertainment.

SECTION 4.

Section 22-A-62 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

62. Old Sacramento. Old Sacramento is the national historical park located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on

the south, the Interstate 5 freeway on the east, and I Street
and the I Street Bridge on the north.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK