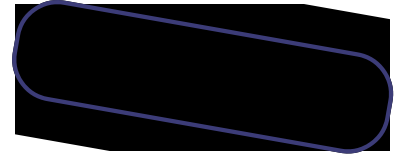




The County of Santa Clara California

Board Referral 71317



14 Direct Administration to report to the Board of Supervisors through the Housing, Land Use, Environment and Transportation Committee (HLUET) with recommendations on whether: (Chavez)

Information

Department:	Supervisor Cindy Chavez (Supervisory District Two)	Sponsors:
Category:	Board Referral	

Links

 [Link 71367 : Under advisement from April 15, 2014 \(Item No. 14\): Consider recommendations relating to the County Zoning Ordinance.](#)

Attachments

[County Zoning Ordinance provisions](#)
[KPIX San Jose Cracks Down On Cafes Accused Of Offering Lap](#)

Multiple Recommendations

- To require a use permit for all commercial uses that sell alcohol.
- To amend the Zoning Ordinance to require a minimum area for private rooms in bars and entertainment establishments.
- To amend the definition of "Adult Entertainment Establishment" in the Zoning Ordinance to include activities such as lap dancing, pole dancing, cage dancing, etc. (regardless of state of dress).

Body

FISCAL IMPLICATIONS

There will be no significant fiscal impact from the Administration's report back to the Board of Supervisors with recommendations.

REASONS FOR RECOMMENDATION

Currently, the County requires use permits for some, but not all, bars and restaurants[1]. Through the use permit process, a land use jurisdiction can regulate hours of operation, amplified music, signage, tinted or opaque windows and other factors which can impact the surrounding community. The Board should receive Administration's recommendation

on whether the County should require use permits for all commercial uses that sell alcohol.

The County's Zoning Ordinance now defines "Adult uses", including "Adult entertainment establishment" in Zoning Code Section 2.10.040 (attached). "Adult entertainment establishment" is defined as "an establishment regularly used for the presentation or exhibition or featuring of topless or bottomless dancers, strippers, or any entertainers regularly displaying specified anatomical areas for observation by patrons or customers". The female "specified anatomical areas" are those typically covered by a bikini.

Recently, "bikini bars" have begun to proliferate in San Jose – and now in the unincorporated County. These businesses often feature entertainment that includes lap dancing, pole dancing, cage dancing, etc., and are distinguished from conventional "strip clubs" (that are regulated as adult entertainment establishments) only because the entertainers purport to be dressed in bikinis. There are reports that, in spite of the "bikini bar" label, the entertainers often remove the bikinis, which results in what is essentially an unregulated strip club; these reports have been documented by the widespread practice of posting images and videos from these establishments on social media.

Many of these clubs also feature private rooms. There are reports of prostitution and human trafficking activities occurring in these private rooms. In addition, according to recent news reports (including the attached report from KPIX), these establishments are magnets for other criminal activity. In August, there was a murder at such a club in San Jose.

This referral seeks the Administration's recommendation on whether to amend the definition of "Adult Entertainment Establishment" in the Zoning Ordinance to include activities such as lap dancing, pole dancing, cage dancing, etc. These activities, regardless of the entertainer's state of dress, have come to distinguish the character of the establishment that the current Zoning Code is intended to regulate.

In addition, Administration would recommend whether to seek a minimum area for private rooms in bars and entertainment establishments. Such a requirement would continue to allow private rooms for meeting and banquet and private dining uses, while prohibiting the small rooms often used for illegal activities.

This referral seeks the Administration's recommendation to the Board, through HLUET, on whether to pursue these changes. If the Board chose, upon receiving the report, to direct staff to draft Ordinance changes, any amendments to the Zoning Code would be assessed for compliance with CEQA, considered by the County's Planning Commission and then finally approved by the Board of Supervisors.

[1] The County's Zoning Ordinance establishes a use for "restaurants and bars" (see section 2.10.040). Restaurants and bars must require a use permit in AR and HS zones (Table 2.20-2), ASA in CN, CB, ML, and MH (Table 2.40-1), and use permit in A1 and RS (Table 2.50-1). Restaurants and bars are not permitted in all other zoning districts.

Meeting History

Apr 15, 2014 9:00 AM Video **Board of Supervisors** **Regular Meeting**

Added to the consent calendar at request of Supervisor Chavez.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dave Cortese, Vice President
SECONDER: Ken Yeager, Supervisor
AYES: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian