



ISSUANCE #469



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

JOEL A. MIELE, Sr., P.E., COMMISSIONER

JAN 18 RECD

BARRY G. COX
Assistant Commissioner
Borough Operations
(212) 312-8004

OPERATIONS
POLICY AND PROCEDURE NOTICE #1/95

TO: Distribution
FROM: Barry G. Cox
DATE: December 15, 1994 (Revised January 3, 1995)
SUBJECT: Adult Establishments

Reference: Zoning Resolution Sections 11-113, 12-10, & 11-30 et. seq.

Purpose: To establish a procedure to assure the moratorium on the creation, enlargement, or extension of adult establishments is implemented.

Effective: Immediately

Specifics:

o Borough Plan Examiner:

Any New Building, Alteration application, or amendment to an application filed prior to November 30, 1994, for the creation, extension, or enlargement of a commercial use in Use Groups 6, 8, 10, 12 or 13 (including Directive 14's) shall not be approved unless accompanied by an owner's affidavit (Attachment A) stating the premise will not be used as an adult establishment.

o Borough Complaint Clerk:

- For All Boroughs Except Manhattan:

Any complaint received about an adult establishment shall be data entered onto BIS using complaint category code 75. The complaint will automatically be assigned a 'B' priority. The jurisdiction must state "refer to Operations", category 98.

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A work order will not be generated by the Borough office.

The disposition of the complaint by the Night Emergency Squad shall be data entered upon being returned to the Borough office and a written response letter generated to the complainant.

- For Manhattan Only:

Any complaint received about an adult establishment shall be data entered onto BIS using complaint category code 75. The complaint will automatically be assigned a "B" priority. The jurisdiction must state "refer to Office of Midtown Enforcement" category G7.

A work order will not be generated by the Borough office.

A written response letter will be generated and mailed to the complainant indicating the complaint was referred to the Office of Midtown Enforcement, 330 West 42nd Street, 15th Floor, New York, N.Y. 10036.

On a weekly basis, the Borough office shall batch these complaint letters to that office for investigation.

o Borough Commissioner's Office

For premises where a valid work permit for the creation, enlargement, or extension of an adult establishment was issued prior to November 30, 1994, the permit lapsed on that date unless the applicant can demonstrate

- an intent prior to November 30, 1994 to operate an adult establishment

and

- substantial construction and/or substantial expenditures relating to the construction has taken place prior to November 30, 1994.

In those instances, when a complaint about an adult establishment in Use Groups 6, 8, 10, 12 or 13 is received, a signed copy of the enclosed 10 day letter (Attachment C) shall be mailed to the owner and applicant.

o Executive Chief Inspector's Office:

The Executive Chief shall secure a city-wide BIS printout of all category code 75 complaints on a weekly basis, print out the required work orders and route the Emergency Squad inspectors to selected premises.

Complaints about existing premises appearing on the City Planning Report of September 1994 (Appendix B) shall not be inspected unless the complaint alleges such premises has been enlarged or the use extended.

The Executive Chief's office shall request the respective Borough office to provide the following information with respect to each premises to be inspected:

- certificate of occupancy
- sign permits
- any other documentation which may establish the existing legal use of the premises.

o Night Emergency Squad:

Any Department of Buildings notice of violation written for violating Zoning Resolution Section 11-113 must identify the specific type of adult establishment defined in Zoning Resolution Section 12-10 as either:

- An Adult Bookstore,
- Adult Eating or Drinking Establishment, or
- An Adult Theater

The Department of Buildings NOV must state the basis for concluding that such establishment has been created, enlarged or extended subsequent to November 30, 1994.

All violations, backup documentation, and the results of the inspection written on the work order shall be submitted to the Executive Chief who shall review the materials and return to the respective Borough office for data entry.

To the extent possible, the Night Emergency Squad log should include a brief layout of any premises inspected and a description of the activities taking place in the premises.

BGC:yaj



DEPARTMENT OF BUILDINGS

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60 HUDSON STREET, NEW YORK, N.Y. 10013

JOEL A. MIELE, Sr., P.E., Commissioner

(212) 312-8100

Job No. _____

**Owner Acknowledgement
Compliance with Zoning Resolution 11-113**

I, _____, am the owner of _____

I understand that, within the City of New York, no new adult establishment may be created, no existing adult establishment may be enlarged or extended, and no existing non-conforming use may be changed to an adult establishment, for a period of one year beginning November 30, 1994.

With my authorization of this and any other job application filed during the aforementioned time period, I do not intend to authorize the creation of any new adult establishment, the enlargement or extension of any existing adult establishment, or the change of any existing non-conforming use to an adult establishment, at the subject premises.

[Owner's Name and Address]

Sworn to before me this

day of _____ 1994.

Notary/Commissioner of Deeds

OP-40 (12/94)

(Attachment A)

Appendix B

DCP Survey of Adult Entertainment Establishments, Fall 1993

BRONX

Community District	Name	Address	Use
05	Altagracia Restaurant	1548 University Ave	Topless Bar
05	Ascot Movie Theatre	2313 Grand Concourse	Movie Theater
08	Just Us Bar	156 W 231st St	Topless Bar
10	Ruffles Bar	4026 E Tremont Ave	Topless Bar
11	Globe Theater	640 Pelham Parkway S	Movie Theater
12	Fools Paradise	4074 Boston Rd	Topless Bar
12	Mickey & Anthonys Cabaret	1769 E Gun Hill Rd	Topless Bar
12	Pretty Womar.	4141 Boston Rd	Topless Bar

BROOKLYN

Community District	Name	Address	Use
02	Pandora Books	88 Court St	Book Store
02	Video XXX	851 Atlantic Av	Video Store
06	Playpen Adult Video	463 3rd Av	Video Store
07	Corkscrew Cafe	6120 3rd Av	Topless Bar
07	Corrados Club	3915 1st Av	Topless Bar
07	Foxy Den	920 3rd Av	Topless Bar
07	Moms Bar	4201 2nd Av	Topless Bar
07	Video XXX	952 3rd Av	Video Store
07	Video XXX Warehouse	761 3rd Av	Video Store
07	Wild Wild West	3901 2nd Av	Topless Bar
12	Video XXX	1368 60th St	Video Store
14	Club Cheetah	1496 Flatbush Av	Topless Bar
15	The Cabaret	2937 86 St	Topless Bar
15	The Ruby Club	1105 Quentin Rd	Topless Bar
15	XXX Video	1103 Quentin Rd	Video Store

MANHATTAN

Community District	Name	Address	Use
01	Adult Video	21 Ann St	Video Store
01	Baby Doll Lounge	34 White St	Topless Bar
01	Desire Video	68 Reade St	Video Store
01	Harmony Theatre	279 Church St	Other Theater
01	Kinols	118 Nassau St	Topless Bar
01	Lovestyle Video	376 Canal St	Video Store
01	Pussycat Lounge	96 Greenwich St	Topless Bar
01	The Doll House	59 Murray St	Topless Bar
01	Thunder XXX Video	100 Greenwich St	Video Store
01	XXX Video	11 Maiden Lane	Video Store
02	Badlands Adult Video	388 West St	Video Store
02	Christopher St Books	500 Hudson St	Video Store
02	Crazy Fantasy XXX Video	331 6th Av	Video Store
02	Harmony Video	139 Christopher St	Video Store
02	Prince Theater	329 West St	Movie Theater
02	XXX Video	119 Christopher St	Video Store
02	XXX Video	220 Varick St	Video Store
02	XXX Video	391 West St	Video Store
02	XXX Video Sale	377 Canal St	Video Store
02	XXX Video Sale	323 Canal St	Video Store
02	XXX Video Sale	520 6th Av	Video Store
03	All Male Jewel Theatre	100 3rd Av	Movie Theater
03	Chippendales	110 1st Av	Topless Bar
04	Adonis Theater	693 8th Av	Movie Theater
04	Adult Video	763 8th Av	Video Store
04	Adult Video	228 8th Av	Video Store
04	Adult Video XXX	725 6th Av	Video Store
04	All-Star Harmony Club	161 W 22nd St	Topless Bar
04	Back Date Magazines	304 W 40th St	Book Store
04	Billys Topless	729 6th Av	Topless Bar
04	Club 44	689 8th Av	Topless Bar
04	Hollywood Twin	777 8th Av	Movie Theater
04	Hollywood Twin Adult Video	777 8th Av	Video Store
04	New King Male Cinema	356 W 44th St	Movie Theater
04	Pure Gold	262 11th Av	Topless Bar
04	Serendib XXX Video & Peep	755 6th Av	Video Store
04	Show World	669 8th Av	Book Store
04	The XXX Video	644 12th Av	Video Store
04	XXX Video	603 6th Av	Video Store
04	XXX-Tasy Video	691 8th Av	Peep Show
04	Zideo XX Video	539 8th Av	Book Store
04	300 Book Store	300 W 40th St	Video Store
05	A Carnivale	39 E 30th St	Book Store
05	Adult Entertainment Center	488 8th Av	Peep Show
05	Adult Video	795 6th Av	Video Store
05	Adult Video Express	216 W 50th St	Video Store
05	Banana Video	55 W 38th St	Video Store
05	Capri Theater	738 8th Av	Movie Theater
05	Circus Cinema	1606 Broadway	Movie Theater

MANHATTAN (continued)

Community District	Name	Address	Use
05	Club 90	208 W 29th St	Topless Bar
05	Eros Theater	738 8th Av	Movie Theater
05	Erotica	256 W 42nd St	Video Store
05	Famous Legz Diamond	231 W 54th St	Topless Bar
05	Flash Dancers	1672 Broadway	Topless Bar
05	Forsyth Books	598 7th Av	Book Store
05	Fun City	113 W 42nd St	Video Store
05	G & A Books	251 W 42nd St	Book Store
05	Harem	249 W 42nd St	Movie Theater
05	Jocks	711 7th Av	Other Theater
05	L & J Books & Videos	584 7th Av	peep show
05	Laps	204 W 47th St	Movie Theater
05	Les Gals	136 W 42nd St	Peep Show
05	Manhattan Video	60 W 39th St	Book Store
05	marquis video	265 W 45th St	Video Store
05	Medalios	552 8th Av	Topless Bar
05	Metropole Gogo (Runway 69)	725 7th Av	Topless Bar
05	Neptune Video	252 W 42nd St	Video Store
05	New David	236 W 54th St	Other Theater
05	Nimble Video	254 W 42nd St	Video Store
05	Peepworld	155 W 33rd St	Video Store
05	Penn Video	252 W 31st St	Video Store
05	Pinks	204 W 49th St	Other Theater
05	Playpen	266 W 43rd St	Book Store
05	Roxy Movie	244 W 42nd St	Movie Theater
05	Salax in New York	16 E 16th St	Topless Bar
05	Show Center	259 W 42nd St	Peep Show
05	Show Follies Center	711 7th Av	Book Store
05	Show Palace	670 8th Av	Book Store
05	Sir Merchandising	672 8th Av	Book Store
05	Stringfellow	35 E 21st St	Topless Bar
05	Super Video	264 W 43rd St	Video Store
05	Texas Gold	20 W 20th St	Topless Bar
05	The Male Box	268 W 43rd St	Video Store
05	Time Come Video	263 W 42nd St	Video Store
05	Times Sq Adult Shopping Center	267 W 42nd St	Video Store
05	Venus Cinema	728 8th Av	Movie Theater
05	Video Blow Out	247 W 42nd St	Video Store
05	Video World Center	210 W 42nd St	Peep Show
05	Vogue Video	296 5th Av	Video Store
05	World Famous Paradise	42 W 33rd St	Topless Bar
05	XXX Nectar	632 8th Av	Video Store
05	XXX Video	776 8th Av	Video Store
05	113 Video Center	113 W 42nd St	Video Store
05	241 Book Inc	241 W 42nd St	Book Store
05	250 Bookstore	250 W 42nd St	Book Store
06		301 E 14th st	Video Store
06	All Male Adult Video	125 3rd Av	Video Store
06	Flash Dancers Dangerous Curves	127 E 47th St	Topless Bar

MANHATTAN (continued)

Community District	Name	Address	Use
06	House of Dreams	220 E 53rd St	Video Store
06	Lions Den	230 E 53rd St	Video Store
06	Love to Love	220 E 53rd St	Video Store
06	The Doll House	307 E 54th St	Topless Bar
06	XXX Video	127 3rd Av	Video Store
06	24-hour XXX Video	557 3rd Av	Video Store
07	Amsterdam Ave Video	287 Amsterdam Av	Video Store
07	Eshommes	217 W 80th St	Video Store
08	Scores	333 E 60th St	Topless Bar

QUEENS

Community District	Name	Address	Use
01	Candy	29-32 Northern Blvd	Topless Bar
01	Cityscape	35-03 38th St	Topless Bar
01	Mermaid	31-08 31st St	Topless Bar
01	Penny Whistle	21-07 23rd Av	Topless Bar
01	XXX Video	56-19 Ditmars Blvd	Video Store
02	Gallaghers	39-33 Queens Blvd	Topless Bar
02	Honeys	49-14 Queens Blvd	Topless Bar
02	Merry-go-round	45-15 Queens Blvd	Topless Bar
02	Naked City	56-07 Queens Blvd	Topless Bar
02	Nickels	69-20 Queens Blvd	Topless Bar
02	Riverhead Inn	45-08 Vernon Blvd	Topless Bar
02	Scandals	32-37 Greenpoint Av	Topless Bar
02	XXX Video	31-17 Queens Blvd	Video Store
03	Cozy Cabin	92-03 Astoria Blvd	Topless Bar
03	Earle Theater	73-07 37th Rd	Movie Theater
03	Fair Theatre	90-18 Astoria Blvd	Movie Theater
03	Fiddle & Bow	92-07 Roosevelt Av	Topless Bar
03	Johnny Jays Catch Me If You Can	112-08 Astoria Blvd	Topless Bar
03	Loveshack Adult Video	92-20 Astoria Blvd	Video Store
03	Polk Theater	93-09 37th Ave	Movie Theater
03	Topless Bar	39-02 104th St	Topless Bar
03	Wileys	95-07 31st Ave	Topless Bar
04	Adult Love Boutique	89-18 Queens Blvd	Peep Show
04	Canhe	92-02 Corona Av	Topless Bar
04	Dee Two Video	86-10 Roosevelt Av	Video Store
04	Pides Place II	81-26 Baxter Av	Topless Bar
05	Treasure Chest	60-07 Metropolitan Av	Topless Bar
06	Goldfingers	92-77 Queens Blvd	Topless Bar
06	Virginias	95-36 Queens Blvd	Topless Bar
06	XXX Video Store	98-32 Queens Blvd	Video Store

QUEENS (continued)

Community District	Name	Address	Use
07	Candelwood Inn	41-57 College Point Blvd	Topless Bar
07	Corsetorium Inc	36-35 Main St	Other -
07	Gallaghers II	26-35 123rd St	Topless Bar
07	Goodtime Video	150-36 Northern Blvd	Video Store
07	Sports Bar	135-41 E Northern Blvd	Topless Bar
08	Mayfair Theatre	68-25 Fresh Meadow Lane	Movie Theater
09	Andys Bar	85-01 Rockaway Blvd	Topless Bar
09	Austin Theater	81-07 Lefferts Blvd	Movie Theater
09	Port o Call	93-10 Woodhaven Blvd	Topless Bar
12	Dreams Topless Bar	90-67 Sutphin Blvd	Topless Bar
12	Gordons Topless Bar	146-16 Hillside Av	Topless Bar
12	Krystals	89-25 Merrick Blvd	Topless Bar
13	Happy Tips Lounge	215-50 Jamaica Av	Topless Bar
13	XXX Video	245-02 S Conduit Ave	Video Store

STATEN ISLAND

Community District	Name	Address	Use
02	Lipsticks	3575 Victory Blvd	Topless Bar
02	Scarletts	283 Sand Lane	Topless Bar
03	Hipps	2945 Arthur Kill Rd	Topless Bar