



COUNCIL AGENDA: 4-29-08  
ITEM: 9.1(e)

## Memorandum

**TO:** HONORABLE MAYOR, CITY  
COUNCIL AND REDEVELOPMENT  
AGENCY BOARD

**FROM:** Debra Figone  
Harry S. Mavrogenes

**SUBJECT:** DOWNTOWN WORKING  
GROUP'S FINAL REPORT

**DATE:** April 15, 2008

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Council District: 3

### **RECOMMENDATION**

It is recommended that the City Council and the Redevelopment Agency Board accept the Downtown Working Group's final report.

### **OUTCOME**

Acceptance of the Downtown Working Group will recognize the accomplishments of the Downtown Working Group to advance City policies for the Downtown by promoting a clean, safe and inviting experience for all residents, patrons, business owners and visitors.

### **BACKGROUND**

In June, 2006 the City Council established the Downtown Working Group (DWG), a Downtown stakeholders group consisting of representatives from downtown businesses, neighborhood associations and the community as well as the City and the San Jose Redevelopment Agency (SJRA), to address issues involving curfew enforcement, cruising, the concept of a 24-hour Downtown, event promotions, resource-intensive events, and other City strategies. The DWG's mission statement was "to identify an ongoing framework for development and timely implementation of policies and procedures that improve and support the Downtown culture by promoting a clean, safe and inviting experience for residents, business owners and visitors alike."

### **ANALYSIS**

The DWG was co-chaired by Councilmember Forrest Williams and San Jose Police Chief Robert Davis. The 16-member group was a mix of business stakeholders, community representatives and Downtown revitalization experts who were charged with focusing energy, resources and efforts on a short list of high-priority issues listed above. The DWG held 15 meetings starting in September 2006 and ending in February 2008.

Below is a summary of the accomplishments of the DWG.

### **Curfew Enforcement**

The Downtown has been the gathering point for large numbers of underage youths, in violation of the City's curfew policy. The Police Department has implemented a program to deliver youth who violate curfew to a temporary command center in Downtown. An adult guardian is then summoned to pick-up the underage individual. The program has reduced significantly the number of late-night incidents involving curfew violations.

### **Cruising**

Cruising in Downtown has been an activity for many years. The popularity of Downtown cruising activity blocks traffic, impedes emergency vehicles and crowds sidewalks. The traffic and overcrowding of the streets are significant problems impeding a vibrant Downtown nightlife. In response, the Police Department's Downtown Service Detail supervisor implemented a traffic diversion program wherein traffic was directed away from the main thoroughfares, virtually eliminating the cruising issues.

### **Concept of 24-Hour Downtown**

As part of the educational process of the DWG, a number of presentations and discussions took place to understand the implications of a "24-hour Downtown" as a long term City goal. These presentations included:

- Lessons from Other Cities – facts/ideas learned from the December 2006 Responsible Hospitality Institute Conference in Chicago, IL (SJPD, SJRA)
- San Francisco Entertainment Commission (Jocelyn Kane, SFEC Deputy Director)
- Downtown Housing Update (SJRA)
- Overview of Late Night Transportation Alternatives (VTA, DOT)

While some members felt that a 20-Hour Downtown was more realistic, others felt that Downtown needed to feel safe and welcoming 24 hours a day. A number of initiatives were explored by the DWG to advance the concept of a 24-hour downtown, including the Soft Closing Pilot Program; the Enhanced Parking Garage Security and Enhanced Cleaning Plan which included a \$5 late night pilot parking rate; and, the addition of Taxicab Stands in Downtown.

#### Soft Closing Pilot Program

The Soft Closing Pilot Program allowed entertainment venues within the Downtown Historic District to stay open one extra hour to allow more time for patrons to trickle out of Downtown at the end of the night. This program was in effect from July 27, 2007 to January 23, 2008. A report on the Soft Closing Pilot Program is forthcoming to Council for review on April 29, 2008.

#### Enhanced Parking Garage Security and Enhanced Cleaning Plan

The DWG also oversaw the Enhanced Parking Garage Security and Enhanced Cleaning Plan and the imposition of a \$5 late night parking rate as a means to improve parking security and cleanliness and improve the customer experience in parking garages. This plan also had the goal of deterring loitering and inappropriate activities therein. The pilot program was in effect from July to December 2007. On January 8, 2008, the City Council received the final report on the enhanced security and cleaning plan and \$5 rate, and approved the staff recommendation to continue the enhanced security and cleaning effort, but instituted a \$2 rate after 6:00 p.m. each night instead of the \$5 late night rate. The results of the effort have been positive and continue to date. The City also communicated with private parking garage and lot owners encouraging them to make parking available to customers and to provide appropriate levels of security and oversight. These coordinated efforts have largely mitigated challenges previously experienced in public and private parking facilities.

#### Addition of Taxi Cab Stand in Downtown

Staff has met with representatives from the San Jose Downtown Association (“Downtown Association”), night club owners, and taxicab company owners to discuss taxicab service in Downtown San Jose, particularly late night service. A variety of perceptions existed as to the location and availability of taxicab stands and taxicab service, the lack of response when taxicabs are called, and the difficulty of access into and out of Downtown by taxicab vehicles late at night. Downtown currently has 11 taxicab stands spread geographically throughout the Downtown Core area. In an effort to improve service and use of taxicabs, staff is installing up to seven new taxicab stands in areas proximate to heavy night club use. Once the installation is complete, staff will update the Downtown Association, night club owners, and taxicab company owners on the existing and new taxicab stands and the names and telephone numbers of all San Jose licensed taxicab companies. These efforts should improve taxicab service and late night use of this transportation alternative.

#### **Event Promotions**

Dealing with problematic event promotions has been identified as a key issue by the Urgency Ordinance Task Force (2005), the Downtown Working Group (2006) and the Hospitality Zone Assessment (2007). These community-based groups have worked on various elements of the Downtown entertainment life to promote a safe and vibrant environment for residents, employees and visitors. On April 29, 2008, staff will present a recommendation to the City Council that the City Council adopt an ordinance (“Event Promoter Ordinance”), requiring event promoters to be licensed.

Approval of the Event Promoter Ordinance will assist the City in identifying persons who promote events and increase accountability of the management of promoted events. The goals of this ordinance are to legitimize the industry and create greater accountability while at the same time encouraging a music culture and a user friendly environment in the Downtown.

### **Problematic Events**

The Police Department made a presentation to the DWG on Crowd Control Tactics to better understand the management and issues associated with events in Downtown. The discussion revolved around many of the long standing events that seem to create issues in the Downtown Core. The Police Department is very adept at deploying the Special Operations

Division in conjunction with the beat patrol officers to address many of the issues associated with the on-going events. The police officers are usually able to readily deal with the intermittent club issues that may attract large crowds that become challenging at the spur-of-the-moment. The availability of police officers to address sudden nightlife issues will continue to be an important element in ensuring a positive Downtown experience. It should be noted that while the Police Department is very adept at dealing with these special events, the special events still continue to create overtime and staffing issues for the Police Department.

### **City Strategies**

The DWG also focused on other City policies that affect the nightlife and entertainment environment in Downtown. The following presentations were made to the DWG:

- Downtown San Jose Retail Strategy (SJRA)
- Downtown Lighting and Streetscape Improvements (SJRA)
- Progress of Downtown Marketing (SJRA, SJDA, ConVis)
- Downtown Strategy 2000: Balanced Growth in Downtown (SJRA)
- Enhanced Business Friendliness – Planning, Building and Code Enforcement Efforts and Small Business Ambassador Program (PBCE)

Two major efforts have taken place to improve City efforts to ensure a positive nighttime experience in Downtown.

The first initiative is the Downtown Hospitality Zone Assessment (HZA) completed by the Responsible Hospitality Institute. This Downtown HZA examined the current and future trends and issues related to the late night environment by seeking input from four stakeholder groups: hospitality, safety, development, and community. The HZA report identifies a work plan that provides a strategy for planning, managing and policing hospitality zones and entertainment in Downtown San Jose. This report will be presented to the City Council for consideration along with a recommendation to create the position of a Downtown Officer within the City Manager's Office who will work closely with a community-based advisory group to facilitate and implement the action items recommended in the Downtown HZA report at the April 29, 2008 City Council meeting.

The second initiative was to revise existing land use regulations and administrative policies to improve the evaluation and approval process for entertainment venues in the Downtown. At the December 18, 2008 City Council meeting, staff was directed to:

1. Review and recommend revisions to Council Policy 6-23 to ensure compatibility with Downtown's housing development and enhanced quality of life for Downtown residents.
2. Review and consider restructuring the permitting process, including Conditional Use Permits and Special Use Permits for entertainment establishments, including night clubs, bars, and restaurants with entertainment to strengthen the City's ability to regulate for compliance.
3. Study the implications of developing zoning regulations, including a zoning overlay and/or zoning guidelines which identify preferred areas for entertainment uses.

These initiatives are underway and a report on these initiatives is scheduled for the City Council before the end of the fiscal year.

### **EVALUATION AND FOLLOW-UP**

If approved by Council, the proposed Downtown Entertainment Officer will work with an advisory group consisting of Downtown stakeholders to facilitate and implement the action items recommended in the Downtown HZA report that are intended to make downtown a vibrant, hospitable, and safe entertainment center. Staff recommends that progress reports on implementation of the Downtown HZA Work Plan be an agenda item of the Community and Economic Development Committee twice a year.

### **PUBLIC OUTREACH/INTEREST**

The DWG held 15 meetings starting in September 2006 and ending in February 2008. All meetings complied with the provisions of the Brown Act, were posted and open to the public. The proposed action does not meet any of the criteria noted below for added outreach efforts. This report will be posted on the City's website and made available for public review.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
- Criterion 3:** Consideration of proposed changes to service delivery, programs, or staffing that may have impacts to community services and have been identified by staff, the Board or Council, or a community group that requires special outreach.

### **COORDINATION**

This memo has been coordinated with the Office of Economic Development, the Police Department and the City Attorney's Office.

**COST IMPLICATIONS**

No cost implications associated with this action.

**CEQA**

Not a Project.



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City Manager



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