



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: BAIL BONDS REGULATIONS

DATE: August 22, 2011

Approved

Date

8/22/11

Recommendation

Request that staff provide the following information, to the extent possible given the late release of this memo, for City Council consideration:

1. An estimate of the number of businesses operating legally and the number operating illegally under the current regulations within the Main Jail area (as defined on page 2 of the staff report).
2. A map showing which parcels within the Main Jail area could legally accommodate bail bonds businesses given the proposed regulations, including the zoning requirements, first floor prohibition, and either the 200 ft. distance restriction supported by staff or the 300 ft. restriction recommended in the August 16 Council memo.
3. A map showing which parcels outside of the Main Jail area but within two miles of the Main Jail could legally accommodate bail bonds businesses given the proposed regulations, including the zoning requirement and either the 200 ft. or the 300 ft. distance restrictions.
4. An analysis of crime statistics in the Main Jail area that attempts to determine whether the incidence of public nuisance in this area is disproportionate to that found in adjacent neighborhoods (or the City as a whole).

Analysis

I am sympathetic to the neighborhood concerns that have given rise to this issue. I also recognize that bail bonds have a place within our legal system and are a service that our citizens should be able to access. In drafting any new regulations, my hope would be that we could balance these two interests in a way that would both preserve neighborhood quality and preserve access to the bail bond service. I am concerned that I may not have enough information on the implications of the proposed regulations to determine whether we are striking a good balance. We don't know how many sites, if any, within the Main Jail area would satisfy either the 200 ft. or 300 ft. regulatory scenarios. If there are a large number of currently illegal businesses that are forced to relocate outside of the Main Jail area, they may relocate to nearby commercial areas, such as the Alameda or Downtown, effectively shifting problems of compatibility and ground floor retail vibrancy to other neighborhoods. Before adopting a new regulatory approach, I believe we should ask staff to develop information that would help us understand how many bail bonds businesses would have to relocate and where they would be able to move within and around the Main Jail area. Given this issue has been analyzed and debated for a number of years, I apologize to staff and my colleagues up front for this late request and recognize that this information may be difficult to provide on such short notice.