



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kim Walesh  
John Ristow

**SUBJECT:** SEE BELOW

**DATE:** September 6, 2018

Approved

*D. D. S. L.*

Date

*9/7/18*

**COUNCIL DISTRICT: 3**

**SUBJECT: ORDINANCE OF THE CITY OF SAN JOSE TO DESIGNATE A SPECIAL EVENT ZONE CONNECTED WITH ACTIVITIES SURROUNDING THE 2019 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP AND TO REGULATE CERTAIN ACTIVITIES WITHIN THE SPECIAL EVENT ZONE, AND APPROVAL TO NEGOTIATE AND EXECUTE A PROPERTY USE AGREEMENT FOR NON-PARKING USE OF THE ALMADEN BLVD/WOZ WAY PARKING LOT.**

## RECOMMENDATION

- (a) Approve an uncoded ordinance to establish a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019 to prohibit certain activities on public property, temporarily suspend the issuance of permits for temporary outdoor use of private property, and limit the installation of Supergraphics to eight non-City-owned buildings in the Downtown Sign Zone.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute a property use agreement between the City of San José and Bay Area Host Committee for non-parking use of the Almaden Blvd./Woz Way Parking Lot, December 26, 2018 – January 8, 2019 for eighteen thousand and nine hundred dollars (\$18,900).

## OUTCOME

Approval of the recommended ordinance will temporarily regulate activities within the Special Event Zone to enhance the vitality and attractiveness of downtown San José, and protect and promote the safety, public health, mobility, and general welfare of participants and the public in connection with 2019 College Football Playoff National

Championship music and hospitality events scheduled to occur within the Special Event Zone.

Approval of the proposed resolution will allow the City Manager to negotiate and execute a property use agreement between the City of San José and the Bay Area Host Committee for use of the Almaden Blvd./Woz Way Parking Lot for production support associated with the 2019 College Football Playoff Championships events occurring in Discovery Meadow.

## **BACKGROUND**

On Monday, January 7, 2019, Levi's Stadium will host the 5th Annual College Football Playoff National Championship (CFP), which will bring an estimated 100,000 visitors from January 3-7 (Championship Weekend). San José has a unique opportunity to highlight its positive attributes on the national stage. The City is expected to earn significant media exposure from national television, television news, internet news, print and social media. Eighteen San José hotels are contracted to serve CFP attendees, participants, and media, equating to approximately 16,000 hotel room nights.

Downtown will host CFP's "Championship Campus," which will be the epicenter of all fan activities during Championship Weekend. Championship Campus is expected to draw visitors to San José during the post-holiday time of the year that normally does not attract visitors to the City. Several key elements will comprise the CFP Championship Campus. The following are brief descriptions of each element of Championship Weekend:

### Playoff Fan Central – San José Convention Center

January 3 - 6

A 300,000 square foot, low-cost, family-friendly, interactive experience that includes games, clinics, pep rallies, band performances, special guest appearances, autograph signings and exhibits celebrating college football and its history.

### AT&T Playoff Playlist Live – Discovery Meadow

January 4 - 6

A free outdoor concert series featuring world-class, internationally known recording artists.

### Media Day – SAP Center

January 5

Fans are invited to watch as both teams participate in media interviews prior to the national championship game. More than 1,000 journalists from around the nation interview and interact with players and coaches. Media day is free.

Extra Yard for Teachers 5K – Downtown course

January 6

The Extra Yard 5K is the official road race of the CFP, with proceeds benefitting Extra Yard for Teachers, the College Football Playoff Foundation's primary platform that elevates the teaching profession.

Taste of the Championship – Tech Museum of Innovation

January 6

Recognizing "Teachers of the Year" from all 50 states, the Taste of the Championship brings together the region's top restaurants to highlight the Northern California experience.

San José will serve as CFP and media headquarters and will host a practice site for one participating team.

It is not unusual for cities who attract events similar in size and scale to CFP to implement a special event zone to protect the health and welfare of the public and safeguard the economic viability of the event. To support Bay Area Host Committee planning efforts, which includes hosting all events outside of the national championship game in Downtown San José, the City has been asked to adopt a special event zone ordinance. The proposed ordinance establishes the Special Event Zone and provides that certain activities will be restricted or prohibited during the period beginning 6 a.m. Friday December 28, 2018 through and until 6 p.m. Tuesday January 8, 2019. This Ordinance is limited to this period and therefore will not be codified. Exhibit A of this memorandum shows the boundary of the Special Event Zone. Similar temporary Special Event Zone regulations were enacted when San José hosted Super Bowl 50 activities in February 2016.

AT&T Playlist Live activities occurring at Discovery Meadow need secure back-of-house and talent facilities proximate to the event area. The Bay Area Host Committee identified the adjacent City-leased, 390 space Almaden/Woz parking lot as the ideal location for this production support. The site can provide the necessary square footage, be secured with temporary fencing, and allows easy access to the performance venue and stage within the park (Exhibit B).

The Department of Transportation's Parking Division staff worked with Bay Area Host Committee staff to identify that approximately 135 of the lot's spaces are needed to create a secure production support area while still maintaining an adequate supply of public parking to existing downtown businesses and visitors attending various events and venues.

**ANALYSIS**

The commercial activities conducted in proximity to CFP-related events may create congestion and unnecessarily increase the number of vehicles and pedestrians near the Special Event Zone, obstruct lines of sight, hinder security operations and interfere with emergency vehicle access.

This temporary ordinance allows the City to address these concerns while protecting the public safety and convenience of drivers and pedestrians in the Special Event Zone.

The City's existing Downtown Special Events Ordinance, Chapter 6.55 of the San José Municipal Code, regulates the activities that can occur on public property during a special event in the downtown core. The proposed ordinance temporarily creates a Special Event Zone that encompasses a larger area where Championship Weekend events are scheduled to occur: Downtown San José, the SAP Center, and Spartan Stadium.

By designating this entire area a Special Event Zone, the City will have the authority to regulate the activities that can occur in the public spaces. All peddlers, both stationary and mobile, are prohibited from peddling in the Special Event Zone during Championship Weekend unless they are a vendor participating in the events being held in the zone. The Office of Cultural Affairs anticipates some event-sponsored stationary peddlers and food trucks will participate as vendors at College Football-related events.

The Police Department has raised a safety concern regarding the flying of drones downtown during Championship Weekend. The U.S. Customs and Border Protection has reported 52.7 drone accidents per 100,000 hours of flight time, seven times the civil aviation rate of 7.11 accidents per 100,000 hours. While the City is exploring a comprehensive drone regulation city-wide, there is a need to address this threat for this event period. The temporary ordinance will help ensure public safety by preventing drones from flying over the Special Event Zone during this time period except for legitimate law enforcement purposes.

In addition to all other activities prohibited by the Municipal Code, state or federal laws, the following activities will also be regulated in the Special Event Zone as following:

1. The placement of any booth, table, chair, stool, object, structure, vehicle, or piece of equipment in any public area is prohibited.
2. The authority for the Office of Cultural Affairs to issue permits for temporary outdoor uses of private property is suspended for any outdoor private property special event subject to Part 16 of Chapter 20.80 of the Municipal Code. This suspension will be retroactive to October 1, 2018.
3. Distribution of free merchandise, free sample goods or coupons for the purposes of advertising any commercial commodity, article, merchandise, business, meeting, entertainment, or activity is prohibited.
4. Sale or distribution of any illegal or counterfeit merchandise is prohibited.

To maximize the vitality of Championship Weekend events and support their viability, and to preserve a cohesive aesthetic across downtown's skyline, the ordinance will limit the number of Supergraphic permits in the Special Event Zone to five permits.

The Office of Cultural Affairs will conduct vendor outreach and education. Planning, Building, Code Enforcement's Code Enforcement Division will handle enforcement duties, with support from the Police Department as needed. The San Jose Sports Authority will have volunteers available during Championship Weekend to assist with education, advising, and monitoring.

Violations of this temporary ordinance will be a misdemeanor and subject to penalties ranging from \$1,000 to \$50,000 depending on the violation.

The existing Master Parking Rate Schedule mandates a rate of \$20 per space per day for non-parking use of the Almaden/Woz parking lot. Staff recommends executing an agreement with the Bay Area Host Committee for a \$10 per space per day rate to support the successful implementation of 2019 College Football Playoff activities in downtown San José. A daily rental rate of \$10 per space for the proposed 14-day use period (December 26, 2018 – January 8, 2019) will offset any potential lost revenue for this parking lot during the four-day event period, January 3-6, 2019. Staff recommends a property use fee of \$18,900.

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

No further Council action is necessary.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the September 18, 2018 Council Meeting. A business outreach meeting will be held in partnership with the San Jose Downtown Association on Friday, September 14 to preview the expected visitors, business opportunities and likely restrictions related to Championship Weekend. Additional outreach will occur to mobile peddlers via traditional mail and the web. A second business outreach meeting will be held in November.

### **COORDINATION**

This memorandum has been coordinated with the Office of Cultural Affairs, Planning, Building and Code Enforcement, the Police Department, the City Manager's Budget Office, and the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation is associated with this action.

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### **FISCAL/POLICY ALIGNMENT**

Existing resources in the Office of Cultural Affairs, PBCE's Code Enforcement Division and the Police Department will be used to support enforcement efforts during Championship Weekend.

This aligns with the Office Economic Development mission to promote the City of San José, help attract significant events, and manage special events in the City.

### **COST SUMMARY/IMPLICATIONS**

The City Council approved \$1M in funding to the Police Department for the 2019 College Football Playoff Championship and the National Hockey League All-Star Game as part of the 2018-2019 budget process to support College Football Playoff activities such as those outlined in this memo. Additionally, the Council approved a city-wide appropriation of \$100,000 to the Office of Economic Development for other necessary expenditures related to the College Football Playoff Championship.

There should be no financial loss to the City associated with suspending the issuance of outdoor special event permits on private property within the Special Event Zone from December 28, 2018 to January 8, 2019, based on similar requests during the same time last year.

The \$18,900 fee for use of 135 spaces at the Almaden/Woz parking lot will be applied as revenue to the General Purpose Parking Fund.

### **CEQA**

Not A Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

/s/  
JOHN RISTOW  
Acting Director of Transportation

/s/  
KIM WALES  
Deputy City Manager  
Director of Economic Development

For questions please contact Blage Zelalich, Downtown Manager at (408) 535-8172, Arian Collen, Parking Manager at (408) 975-3206 or Elizabeth Klotz, Deputy City Attorney at (408) 535-1900.

Attachments: Exhibits A and B

## EXHIBIT A – SPECIAL EVENT ZONE MAP

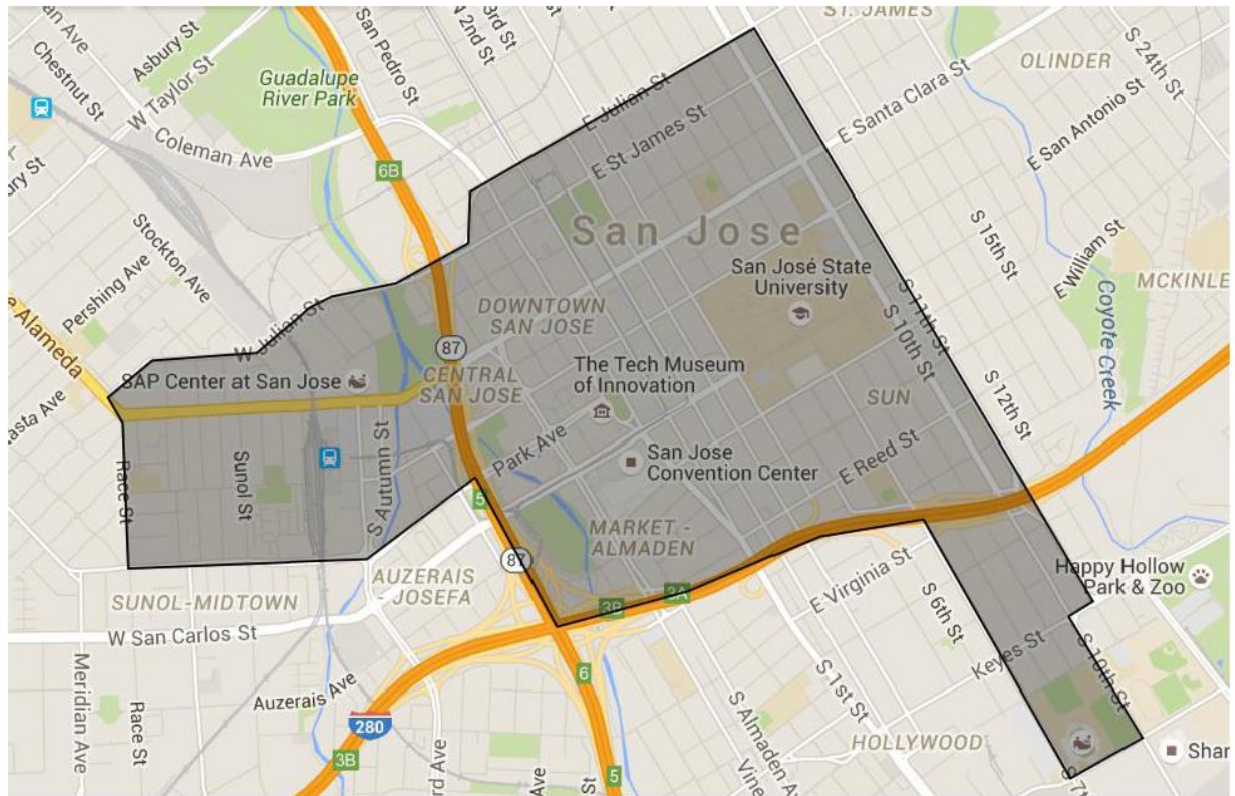




EXHIBIT B – Almaden/Woz Property Use Area

