



City of Ashland Downtown Ordinances

Survey of Downtown Businesses

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The Southern Oregon University Research Center (SOURCE) was hired by the City of Ashland to use a survey methodology to assess the effectiveness of the downtown corridor ordinances that were implemented on June 1, 2016. The City wanted to determine whether there have been behavior changes as the result of bans on smoking, soliciting diners, soliciting ATM users, and leaving less than six feet of clear space on the sidewalk. In addition, the City wanted to know whether there have been changes in the presence of uniformed officers in the downtown corridor. The survey results show that while some of the ordinances are having the intended effect, there have also been some unintended consequences. Findings from an open-ended question on the survey provide a richer understanding of these intended effects and unintended consequences.

Methodology

There were a number of methodological approaches considered for this project. SOURCE Director, Dr. Eva Skuratowicz, talked with Ann Seltzer from the City of Ashland to determine the research strategy. Since the approach needed to center on behavior change in the downtown corridor, it was necessary to ask people what they had observed and experienced before the ordinances were implemented on June 1, 2016 and what they observed and experienced after that date. The summertime was identified as a particularly important season to assess, and the June 1, 2016 implementation date gave us a natural comparison point. Thus we chose to have respondents compare Summer 2015 to Summer 2016. Business owners and managers were picked as the ideal respondents for this survey because they observe downtown interactions on a consistent basis, enabling them to be more reliable in reporting on a change over time. Additionally, the fact that members of the SOURCE research team could call or walk into a downtown business made it more likely that we could pursue non-respondents and get a higher response rate.

Measuring change in the downtown environment posed a challenge. The research team knew that if businesses were asked questions about overall activity in the downtown area, it was possible that high-activity areas would receive more weight and we would be less informed about low-activity areas or those areas that had not seen a change. Since we wanted to know about patterns of behavior in specific locations, we restricted all of the questions, except one, to asking the businesses only about the public behavior that had been occurring in their outside perimeter. Outside perimeter was defined as the sidewalk, alley and street-level open space in the front, back and/or side of the physical boundaries of their business.

SOURCE constructed a one-page questionnaire (the survey) and pilot-tested it on some Ashland business owners who are not located in the downtown corridor. Subsequently, Dr. Skuratowicz presented the questionnaire to the Ashland City Council and received feedback that enabled us to hone in on questions that reflected the City's particular areas of interest. (Please see Appendix A for the final

questionnaire.) The questionnaire was mailed to business owners on November 18, 2016, and a second questionnaire was mailed out to non-respondents on Dec 16, 2016. After the holidays, members of the research team called the remaining businesses that had not responded, and completed the survey with them over the phone.

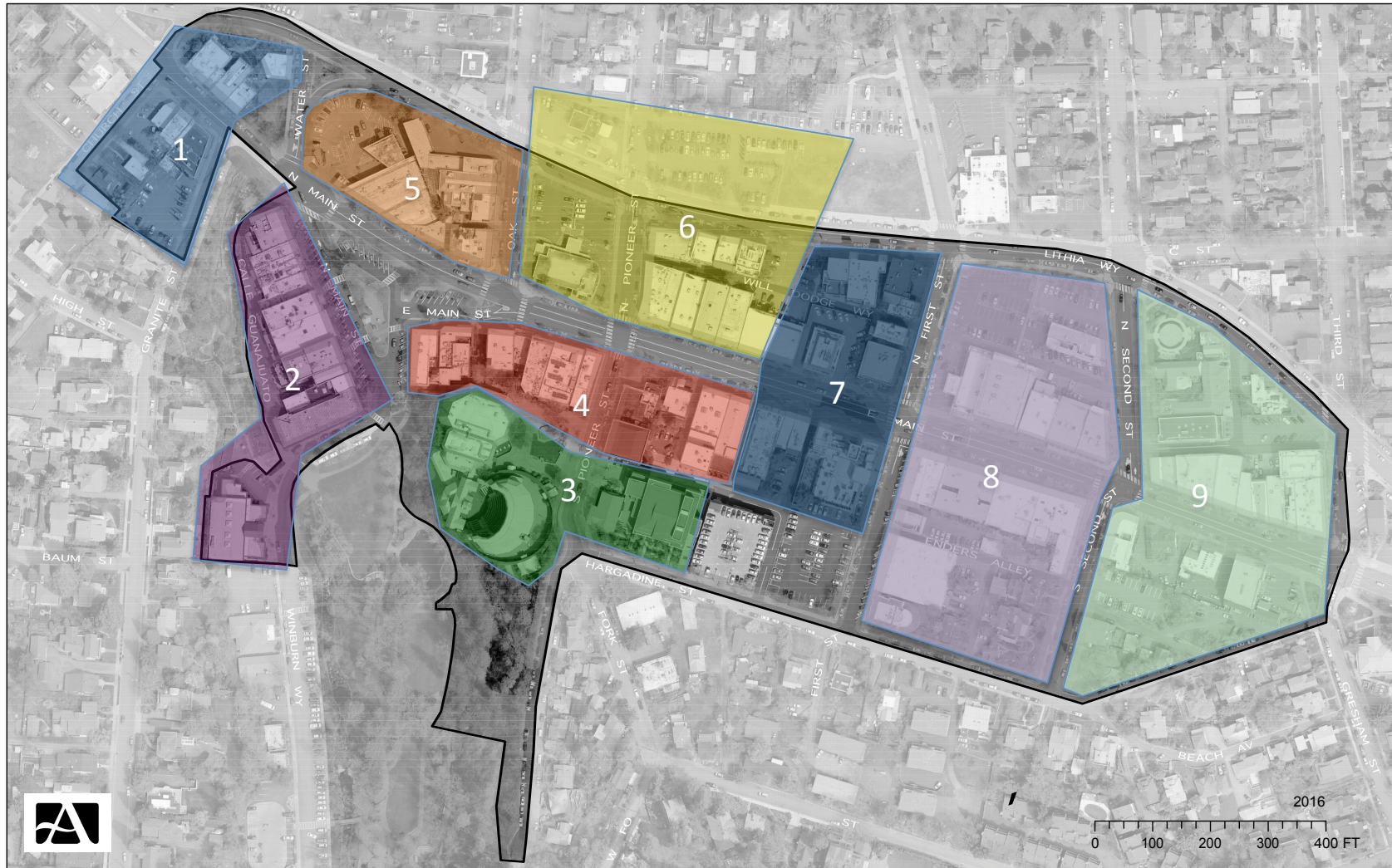
All businesses were guaranteed confidentiality, so that owners and managers could give honest answers without worrying about being identified. This means that no business names are used in this report or any report generated from these data, and that business names will never be connected with the data that they provided. Also, identifying information was removed from the open-ended responses from the final question of the survey.

The City of Ashland provided SOURCE with an address list of 208 businesses along the downtown no-smoking corridor. Using the City's list, we determined that five of the businesses did not meet the criteria to receive a questionnaire (e.g. a single business that had two addresses or a business that was housed inside another business) and we also found that another 16 addresses were places that had gone out business at some point from June 2015 until February 2017. This left a total of 187 valid businesses. We obtained a filled-out questionnaire for 146 businesses, resulting in a very strong response rate of 78%. Of those 41 businesses that did not respond, 18 were street-level and the remaining were either on the second-story or were located behind street-level businesses.

Geographic Areas of Analysis

In order to determine whether specific areas in the downtown corridor have seen changes in public behavior due to the new ordinances, we created nine geographic areas for analysis. Below is a map that is color-coded for each area as well as a text description of each one. In the results section, we will report the survey findings by first aggregating all of the businesses, and then by each geographic area.

Geographic Areas for Ashland Downtown Ordinances Survey



Geographic Areas of Analysis, continued

Area 1: From the parking lots on the southwest side of North Main Street between Church and Granite to the businesses on the southwest side of Lithia way west of Water Street.

Area 2: Between North Main Street and Calle Guanajuato including the area on the west side of Winburn Way below the Ashland Community Center.

Area 3: From Bill Patton Garden to the public parking lot on Hargadine Street to the walkway behind The Black Swan.

Area 4: Between the corner of North Main Street and East Main Street to the walkway between the Varsity Theater and the Christian Science Reading Room on the southwest side of Main Street.

Area 5: Between North Main Street and Lithia Way beginning on the southeast side of Water Street and up to the northwest side of Oak Street.

Area 6: Between Oak Street and Rogue Valley Runners and between East Main Street and the gas station on Oak Street and the parking lot on North Pioneer and Lithia Way.

Area 7: Between the Varsity Theater and Sunday Afternoons on the west side and First Street on the east side and between Lithia Way and the Ashland Springs Hotel parking lot.

Area 8: The area bordered by Hargadine Street, First Street, Lithia Way and Second Street.

Area 9: The area bordered by Hargadine Street, Second Street, Lithia Way, Third Street, and Gresham Street.

Results

Smoking/Vaping

Overall, more than half of businesses reported a decrease in smoking and vaping on sidewalks in the outside perimeter of their downtown businesses from the summer of 2015 to the summer of 2016 (Figure 1). When examining the results from individual geographic areas, over half of the businesses in areas 2, 3, 4, 6, and 9 reported a decrease in smoking and vaping on the sidewalks (Table 1). Reports of increasing incidents of smoking and vaping on sidewalks were few and completely non-existent in areas 3, 4, 5, and 7.

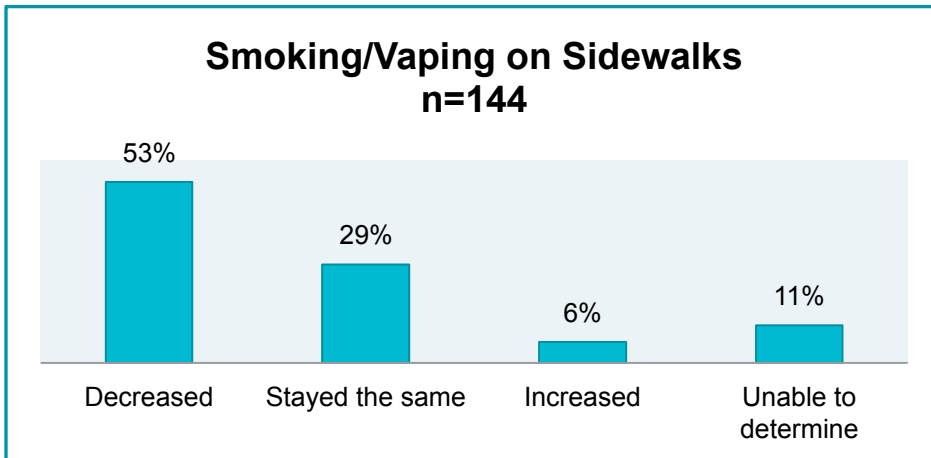


Figure 1. Changes in the rates of smoking/vaping on sidewalks in downtown Ashland between the summer of 2015 and the summer of 2016

Table 1. In comparing the summer of 2016 to the summer of 2015, the amount of smoking/vaping on the sidewalk(s) in the outside perimeter of my downtown Ashland business has:

Areas	(n)	Decreased	Stayed the Same	Increased	Unable to Determine
Area 1	9	22%	56%	22%	0%
Area 2	18	72%	17%	6%	6%
Area 3	3	67%	33%	0%	0%
Area 4	15	87%	13%	0%	0%
Area 5	15	40%	47%	0%	13%
Area 6	15	67%	20%	13%	0%
Area 7	11	45%	36%	0%	18%
Area 8	34	29%	32%	6%	32%
Area 9	24	67%	25%	8%	0%

A plurality of business respondents reported seeing an increase in smoking and vaping in alleys and parking lots in the outside perimeter of their businesses from the summer of 2015 to the summer of 2016 (Figure 2). In looking at individual areas, businesses in area 6, which contains part of Will Dodge Way, reported a substantial increase in this behavior while only those businesses in area 2 reported seeing a substantial decrease in this behavior (Table 2).

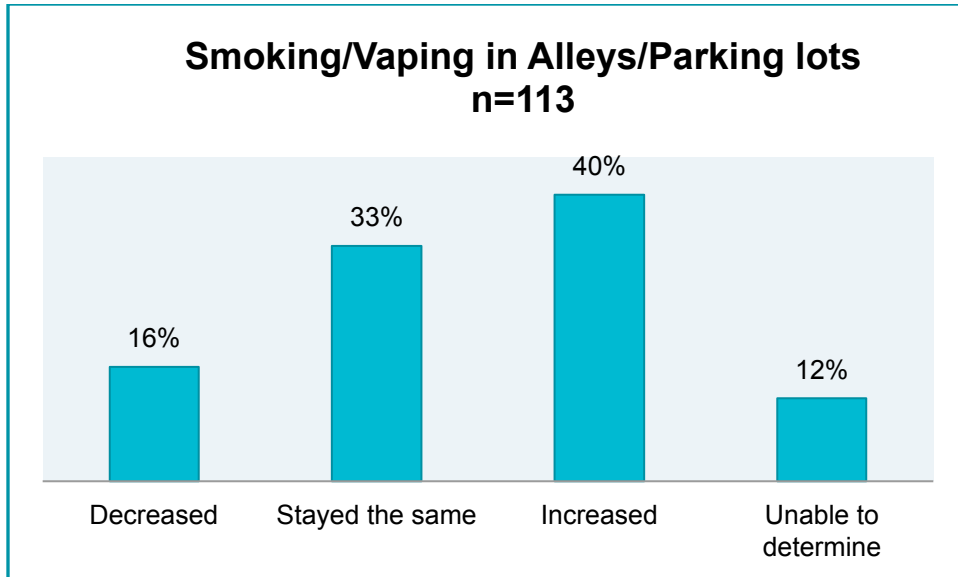


Figure 2. Changes in the rates of smoking/vaping in alleys and parking lots in downtown Ashland between the summer of 2015 and the summer of 2016

Table 2. In comparing the summer of 2016 to the summer of 2015, the amount of smoking/vaping in the alley/parking lot in the outside perimeter of my downtown Ashland business has:

Areas	(n)	Decreased	Stayed the Same	Increased	Unable to Determine
Area 1	8	0%	75%	25%	0%
Area 2	12	42%	33%	17%	8%
Area 3	2	0%	50%	50%	0%
Area 4	10	20%	30%	20%	30%
Area 5	9	22%	33%	44%	0%
Area 6	13	8%	15%	69%	8%
Area 7	9	22%	22%	44%	11%
Area 8	28	7%	32%	39%	21%
Area 9	22	18%	32%	45%	5%

Soliciting Sidewalk Diners

Of the restaurants with sidewalk dining that responded to the survey, 71% reported no change in the incidents of diners being solicited for money from summer of 2015 to the summer of 2016 (Figure 3).

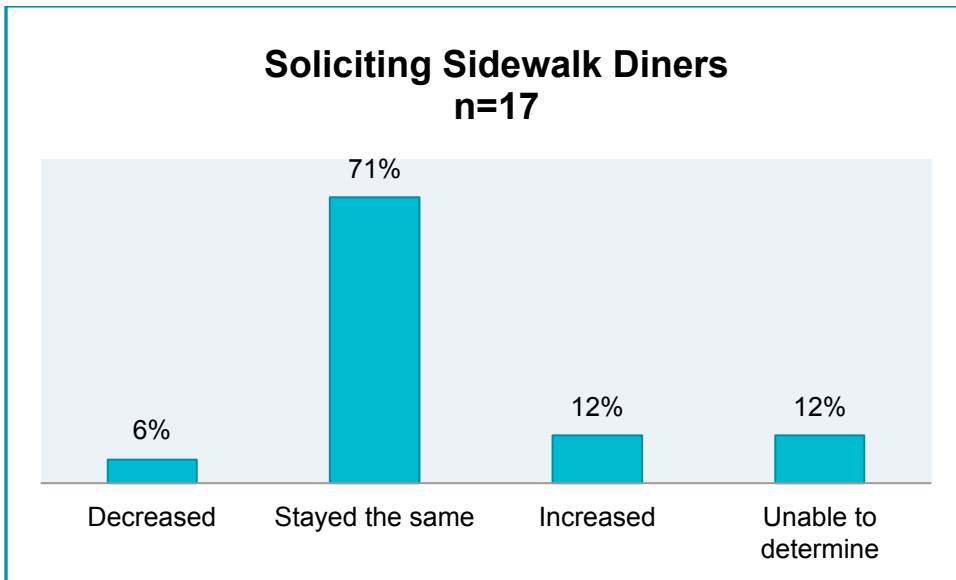


Figure 3. Changes in the rates of solicitation of sidewalk diners in downtown Ashland between the summer of 2015 and the summer of 2016

Presence of Uniformed Officer

Overall, only 5% of the businesses reported a decrease in the presence of uniformed Ashland officers from the summer of 2015 compared to the summer of 2016. A majority of respondents said it had stayed the same and about one-third of the businesses reported an increase in uniformed presence (Figure 4). In looking at individual areas, businesses in areas 2, 3, 4, and 7 reported no decreases in the presence of uniformed Ashland officers and well over 50% of the businesses in areas 4 and 6 reported that they have seen an increase. (Table 3).

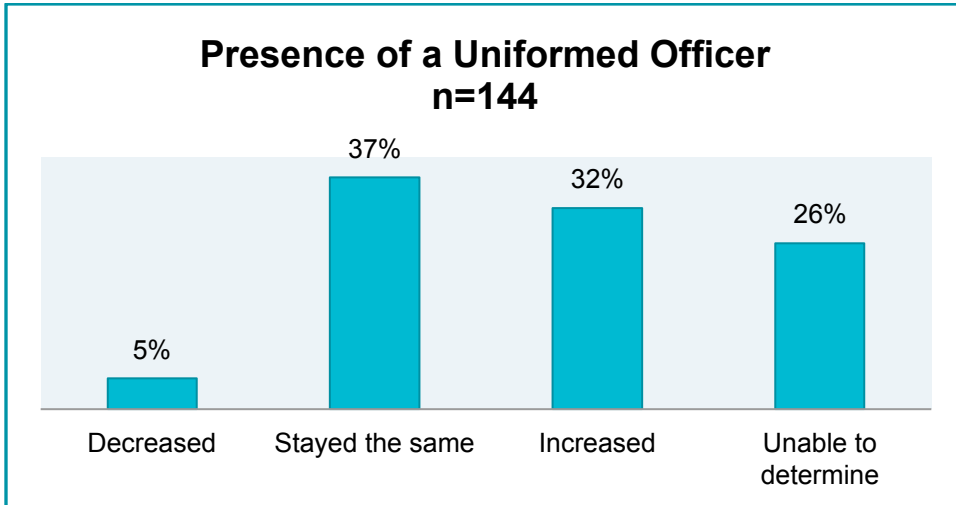


Figure 4. Changes in the presence of uniformed Ashland officers in downtown Ashland between the summer of 2015 and the summer of 2016

Table 3. In comparing the summer of 2016 to the summer of 2015, the presence of uniformed Ashland officers occurring in the outside perimeter of my downtown Ashland business has:

Areas	(n)	Decreased	Stayed the Same	Increased	Unable to Determine
Area 1	9	11%	56%	0%	33%
Area 2	18	0%	39%	44%	17%
Area 3	3	0%	67%	33%	0%
Area 4	14	0%	21%	71%	7%
Area 5	15	7%	40%	27%	27%
Area 6	15	7%	20%	60%	13%
Area 7	11	0%	55%	27%	18%
Area 8	34	3%	35%	21%	41%
Area 9	25	12%	36%	16%	36%

Sidewalk Obstruction

Almost half of the respondents reported no change in the obstruction of sidewalks in the front or side of their downtown businesses, while one-quarter saw a reduction in sidewalk obstruction from the summer of 2015 to the summer of 2016 (Figure 5). In looking at the individual areas, most areas reported a decrease or no change in the incidents of sidewalk obstruction, although in areas 1, 4, 5, 6 and 9, one-fifth or more of businesses reported an increase in this behavior (Table 4). Although there was a “not applicable” option for this question, only three businesses chose this response, thus they were not included in the chart or table.

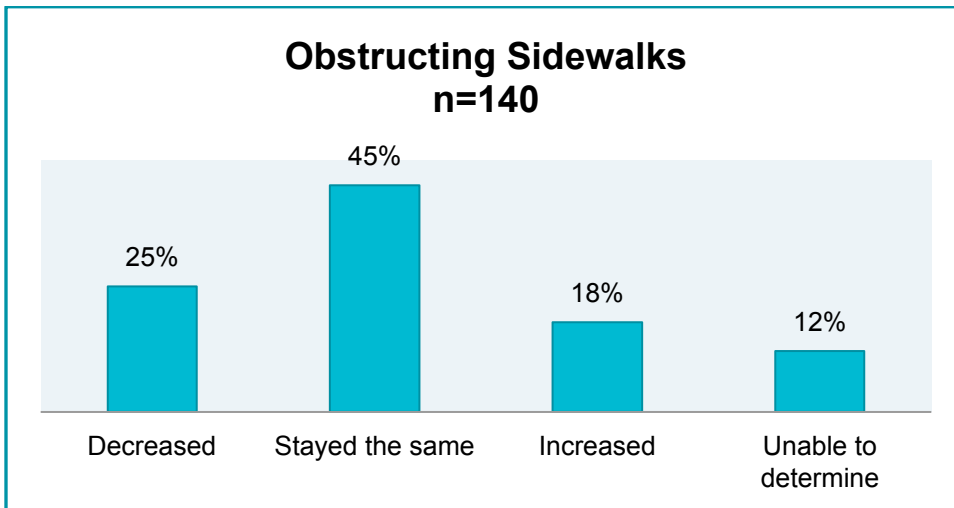


Figure 5. Changes in the numbers of occurrences of sidewalk obstruction between the summer of 2015 and the summer of 2016 in downtown Ashland

Table 4. Obstructing the sidewalks is defined by leaving less than six feet of clear space. In comparing the summer of 2016 to the summer of 2015, the percentage of time that the sidewalks in the outside perimeter of my downtown Ashland business were obstructed by people sitting or standing has:

Areas	(n)	Decreased	Stayed the Same	Increased	Unable to Determine
Area 1	9	0%	56%	22%	22%
Area 2	17	41%	41%	18%	0%
Area 3	3	0%	100%	0%	0%
Area 4	14	57%	14%	29%	0%
Area 5	15	20%	47%	20%	13%
Area 6	15	20%	33%	27%	20%
Area 7	11	27%	45%	0%	27%
Area 8	31	16%	55%	13%	16%
Area 9	25	24%	48%	20%	8%

Bank ATM Responses

Four banks within the downtown corridor were individually queried about whether they had seen a change in customers being solicited for money while using the ATM. Two of the banks reported that there was no change: ATM solicitation was a problem before and continues to be a problem. One of the banks reported ATM solicitations were never a problem. The fourth bank reported that 2016 was the worst year yet for ATM solicitations.

Responses to Open-Ended Question

The main focus of the survey was to report on the behavior that is governed by the new ordinances and to only report on the behavior that occurred in each business' own outside perimeter. However, we also wanted to give business owners and managers a chance to comment more broadly on whether they had seen any changes in overall behavior throughout the downtown corridor. The final question they were asked in the survey was, "Specifically describe what you see as the difference, if any, in public behavior in the entire downtown corridor when comparing the summer of 2016 to the summer of 2015. If applicable, give examples." A total of 114 (out of 146) businesses answered this question and their responses give a broader perspective on the issues.

In looking at the comments from the final open-ended question, we found that 20 businesses saw an overall **improvement** in downtown behavior. They cited less smoking, less confrontational and aggressive behavior, and better overall behavior. Two businesses off the Plaza reported "definite improvement on the Plaza block" but one went on to observe that the "Entrance to OSF off the sidewalk by Harvey's is still congested with transients." A retail business emphatically commented that the downtown has "vastly improved!" while another observed that there are "less large gatherings and transients" throughout the whole downtown corridor, and another noted there is a "huge increase in people not smoking." A retail business said they are "grateful for the change" and they see more student groups coming into their business now. It is important to note that all of these businesses are not located on Pioneer Street (areas 4 and 6).

Thirteen business owners/managers felt that, overall, there had been **no change** from the summer of 2015 to the summer of 2016. They made general observations along the lines of, "I can't come up with specific differences. The last two summers haven't been that different," and "I personally haven't seen a difference, there still seems to be the same amount of smokers, homeless and panhandlers." A restaurant owner described it this way, "Not much changed this year."

According to the comments of 29 businesses, the lack of change in the downtown is because problematic behavior has simply **shifted** from one part of the area to another. People now change location to engage in behavior that is unlawful in one part of downtown, but lawful in another. One business concluded, "Same people, same habits – just a shift to accommodate the laws – to alleys, sides of buildings, tighter in on the sidewalk." A retail store owner along the Plaza saw positive changes for their own store, but also stated "Migratory patterns shifted. I saw that other businesses got more than their fair share of loitering after the ordinances." The owners/managers of 19 of these businesses specifically commented on the Pioneer/Lithia Way/Will Dodge Way (areas 4 & 6) as being disproportionately impacted by travelers/transients. An owner of a business that provides services stated, "I've noticed more congregating of smokers in alleyways and parking lots, i.e. the parking lot on

Lithia and Pioneer.” A retail business near the Pioneer area described the challenges they face at their establishment as well as how it has extended onto Pioneer Street, “We’ve had human excrement at our doorstep...We’ve seen parking spaces and sidewalks blocked in the parking lot at Lithia Way and Pioneer and the market on the corner.” A number of respondents spoke directly about Stop and Shop on Lithia Way and Pioneer. One business that is located near the market said, “The corner market...as well as the alley have become a gathering place for groups of ‘travellers’ who beg and harass passersby. They are rude and smoke/vape. The Plaza area seems more in control and welcoming.” Another business on Pioneer Street stated, “[P]anhandling, smoking/drinking, sidewalk blocking and people being followed down the street (at night) continue to be a serious problem. We (also) receive more and more patron complaints each year (about the areas) in front of the Three Penny and the convenience store on Lithia Way.” Another business asked for a stronger “police presence or video cameras at the market.”

This shift has become a significant hardship for areas 4 and 6 (Pioneer/Lithia Way/Will Dodge Way). A business owner described what they have experienced as a result of travelers/transients relocating to this area, “Transients were forced out of Lithia Plaza and Lithia Park, then simply moved over a couple of blocks to the parking lot area – near my business! Same issues, just a different location! Used our bathrooms for bathing on a daily basis.” Another business owner has faced many challenges:

The number of travellers in front of our business has increased. Since being driven away from the courtyard, they have taken up residence at Lithia & Pioneer. Customers complain that travellers aggressively panhandle, curse and swear, smoke marijuana and cigarettes, do not control their dogs, yell, play loud music, take up sidewalk space and fight. Customers have come to associate this (area) with large groups of unruly, disrespectful travellers. Will Dodge Way is also worse now. We have found unconscious people in the alley. There are broken bottles, smoldering cigarettes in our trash cans, vomit, [and] feces... People smoke. Am I supposed to call the police? The cigarette will vanish long before a response.”

For 21 businesses, there are a variety of behaviors in the downtown area that have become **worse**. Many describe problems that are not covered by the new ordinances, such as the seven businesses that singled out more aggression in the summer of 2016. One example is a comment from a restaurateur, “Transient population increased and became more aggressive. Tourist base shrank and became more disenchanting.” Another business described the transient population as more “confrontational and vulgar”. There appeared to be a larger population of transients in 2016 according to eight businesses. Two businesses described an increase in crime (a stabbing and “an uptick in theft”). Five businesses did refer to an increase in behaviors that are governed by the new ordinances, such as smoking, cannabis use, and dogs not on leash. A service oriented business provided a summary of a number of these concerns, “2016 is much worse in terms of travelers obstructing sidewalks, saying confrontational things as I walk by, using our back entrance as a bathroom, and asking for leftovers and money.”

The effect of the ordinances and the resulting downtown behavior on **tourists** was described in three distinctly different manners. Of the 14 businesses that made comments, two felt that the changes due to the ordinances were positive for tourists, two stated that the ordinances were excessively tourist-

focused and 10 presented downtown behavior as increasingly bad for tourism. Of the two establishments that felt that the ordinances have made the downtown more hospitable for tourists, one indicated, “Big improvement - Thank you!!! More space for tourists now to enjoy downtown.” Of the two businesses that felt the ordinances were overreaching, one stated, “Way more tourist-based, give the kids a break. Ashland should continue to accept people of all backgrounds.” For the remaining 10 businesses, downtown behavior was continuing to have a significant impact on tourists, albeit in ways that were not addressed by the ordinances. One retail business noted, “People aggressively begging for food and money has gotten worse and worse! Our customers complain about it all the time. Especially the tourists!” A restaurant summed it up in this manner, “Less smoking, but other than that it is still the same for aggressive soliciting for food or money. It is also the same if not more for harassment of tourists... I've personally heard tourists say they wouldn't want to live here due to all the problems with the transients.”

The prevalence of **drug and alcohol use** in public was mentioned by 15 businesses. One retail business respondent said they “haven't seen as many drug deals” from their front window since the ordinances were passed. The remaining 14 chronicled the ongoing public consumption of marijuana, cigarettes, alcohol, and other drugs. The manager of a service-oriented business described looking down from their office window at work and seeing “open consumption/smoking of cannabis.”

The new ordinances were declared **bad for business** by 6 establishments. One explained, “I absolutely despise these laws because I own a bar and I'm trying to run a business, if anything, I think the new laws have been a drag on all activity downtown.” A retail business stated that Ashland is “over-regulated.”

Three businesses expressed **concern** about the plight of the people on the street. One of them wrote, “Tragic to see young people like this – seems outreach counselors on the street needed to work with these kids. A homeless camp would be helpful too, with laundry and showers, food kitchen, bunkhouse, place for tents.”

Discussion

These results point to the need to continue the discussion about public behavior in the downtown corridor. The overall findings, from some of the questions, are straightforward. Businesses reported a reduction in smoking on the sidewalks in the downtown corridor, and this holds up whether looking at the overall numbers or the specific outcomes by geographic area. At the same time, the reported increase in smoking and vaping in the alleys and parking lots suggests that smokers have migrated. The assessment of the presence of uniformed officers reveals some distinct trends. In the overall numbers, Ashland businesses reported seeing about the same or an increased number of officers. If these data are broken down by geography, there are some areas (Pioneer/Lithia Way/Will Dodge Way) where businesses reported seeing a significant increase in uniformed officers, while other areas on the outskirts of the downtown had a more difficult time determining if there has been a shift in officer presence. The data from the remaining questions on the survey do not provide the same type of clarity. The results from the sidewalk obstruction question show that one-quarter of the businesses reported a

decrease. However, the percentages of businesses that had seen no change or an increase in obstruction point to the fact that this may be an issue that deserves more attention. The responses to the questions regarding soliciting sidewalk diners and soliciting ATM users indicate that these may be issues that need a greater degree of support and enforcement. For all of these questions, the geographic data can be useful in terms of identifying where resources could be focused.

The answers to the open-ended question indicate both successes and challenges regarding the new downtown ordinances. While many of the comments do address behaviors governed by the new ordinances, other comments focus on behaviors that are not covered by the ordinances such as aggression, harassment, littering and a perceived increase in the transient population. The open-ended comments do reveal a geographic shift in where problematic downtown behavior occurs. The trends identified by these comments can be used in conjunction with the geographic data to specify additional solutions.

Appendix A: Survey Instrument

Ashland Downtown Ordinances Survey

1. My business in the downtown area is at:

- Street-level Above street-level* Below street-level*

*If your business is above or below street-level, please answer the following questions in regards to the street-level area directly above or below your business.

2. Does your business have access off of an alley or have a window that opens on an alley?

- Yes No

→For the next five questions, you will be asked about activities that occurred in the outside perimeter of your business. By outside perimeter, we are referring to the sidewalk, alley and street-level open space in the front, back and/or side of the physical boundaries of your business. Please assess only the activities that occurred in the open space that is within your property lines.

3. In comparing the summer of 2016 to the summer of 2015, the amount of **smoking/vaping** on the **sidewalk(s)** in the outside perimeter of my downtown Ashland business has:

- Decreased Stayed the same Increased Unable to determine

4. In comparing the summer of 2016 to the summer of 2015, the amount of **smoking/vaping** in the **alley/parking lot** in the outside perimeter of my downtown Ashland business has:

- Decreased Stayed the same Increased Unable to determine N/A

5. In comparing the summer of 2016 to the summer of 2015, the occurrence of **sidewalk diners being solicited for money** in the outside perimeter of my downtown Ashland business has:

- Decreased Stayed the same Increased Unable to determine N/A

6. In comparing the summer of 2016 to the summer of 2015, the **presence of uniformed Ashland officers** occurring in the outside perimeter of my downtown Ashland business has:

- Decreased Stayed the same Increased Unable to determine

7. Obstructing the sidewalks is defined by leaving less than six feet of clear space. In comparing the summer of 2016 to the summer of 2015, **the percentage of time that the sidewalks** in the outside perimeter of my downtown Ashland business **were obstructed by people sitting or standing** has:

- Decreased Stayed the same Increased Unable to determine N/A

8. Specifically describe what you see as the difference, if any, in **public behavior in the entire downtown corridor** when comparing the summer of 2016 to the summer of 2015. If applicable, give examples.

(Continue answer on back if needed)