



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kim Welsh  
Jennifer A. Maguire

**SUBJECT: SPECIAL EVENT PERMIT FEES:  
PARQUE DE LOS POBLADORES**

**DATE:** July 30, 2012

Approved

Date 8/8/12

**COUNCIL DISTRICT: 3**

## RECOMMENDATION

Adopt a resolution amending the 2012-2013 Fees and Charges (Resolution No. 72737) to:

- a. Establish a Paseo/Plaza Single-Use Permit fee of \$60 to partially recover the costs associated with the application review and coordination for a one to three day event at Parque de los Pobladores (also known as Gore Park);
- b. Establish a Paseo/Plaza Series Permit fee of \$100 to partially recover the costs associated with the application review and coordination for a series of up to four events or activities held within a three month period at Parque de los Pobladores (also known as Gore Park); and
- c. Establish a Paseo/Plaza Permit Amendment fee of \$30 to partially recover the costs associated with amending and coordinating a previously approved permit application for use of Parque de los Pobladores (also known as Gore Park).

## OUTCOME

Approval of this recommendation will establish new fees for outdoor event use of Parque de los Pobladores, in concert with transfer of permitting authority and management of the space from the Department of Parks, Recreation & Neighborhood Services (PRNS) to the Office of Economic Development/Office of Cultural Affairs (OCA). Upon the completion of physical improvements to the site in September 2012, the City aims to facilitate the activation of Parque de los Pobladores and spur downtown vibrancy and cultural development.

July 30, 2012

**Subject: Special Event Permit Fees: Parque de los Pobladores**

Page 2

## **BACKGROUND**

The South First Area (SoFA) is Downtown's arts and cultural district with an eclectic mix of arts organizations, creative businesses, and active lifestyle businesses. In 2007, the City Council adopted the "Silicon Valley City's Center: Big Deals and Small Wonders" strategy. The vision included the creation of a sense of place with the activation of public spaces as one of the strategies. The transformation of Parque de los Pobladores from a small, underutilized pocket park located in SoFA to an urban plaza and outdoor "living room" for the arts was one of the main goals of the "Small Wonders" strategy.

At the June 12, 2012 Council Meeting, the City Council authorized the City Manager to negotiate and execute an agreement with 1<sup>st</sup>ACT Silicon Valley to design and construct recreational improvements to Parque de los Pobladores. Construction of the improvements began the week of July 9, 2012 and is scheduled for completion by September 12, 2012. The renovation and expansion of Parque de los Pobladores is intended to re-configure the site to better serve the general public, open views, and provide space for events and activities.

The Outdoor Special Events staff in the OCA is responsible for supporting existing outdoor events in Downtown and attracting new events that build San José's cultural vibrancy, enhance economic development, and increase visitor revenues. The Special Events staff is involved in authorizing and permitting the use of public and private property for a large number of temporary outdoor events, and coordinates other City services and requirements for these events. Fees and charges related to the permitting of these events are included in the annual fees and charges report. Recognizing the positive economic impact of outdoor special events, the City Council has previously approved OCA special events permit fees, which are set at rates below full cost recovery, in order to encourage events and spur economic development.

## **ANALYSIS**

OCA will be assuming permitting authority and management of Parque de los Pobladores from PRNS. Accordingly, the proposed Special Events Ordinances includes Parque de los Pobladores in its definition of "plazas" which are under OCA's permitting jurisdiction.

The new fees and charges recommended for Parque de los Pobladores, based on the cost of staff time, are partial cost recovery ranging from 24% to 30% as activation of this site is a City Council-adopted priority and new permit fees will encourage events and other uses of the site. The recommended fees for this site are less than fees for other plazas/paseos given the limited space, scope, and anticipated time duration of potential events, which is estimated to require less staff time for event permit coordination.

SoFA is considered a district that is intended to support and encourage the retention of the art and cultural sector and to develop new places for arts and cultural activities in downtown San José. By supporting our arts and cultural organizations, artists and businesses, the City will drive

July 30, 2012

**Subject: Special Event Permit Fees: Parque de los Pobladores**

Page 3

an economic engine of San José while fostering the quality of life for its citizens and downtown vibrancy.

The proposed fees and charges are as follows:

<b>PERMIT TYPE</b>	<b>DESCRIPTION</b>	<b>PROPOSED FEE</b>
Single-Use Permit	-Allows for a continuous 1-3 day period for the same event, including set-up, event activity, and teardown.	\$60 (26% cost recovery)
<b>PERMIT TYPE</b>	<b>DESCRIPTION</b>	<b>PROPOSED FEE</b>
Series Permit	-Allows for a series of up to four (4) events/activities held within a three (3) month period. Each event is for a 1-3 day period, including set-up, event activity, and teardown. All the activities will meet the following criteria: <ol style="list-style-type: none"> <li>1. Each activity takes place on the same location;</li> <li>2. Each activity is essentially the same in content, size, and set up; and</li> <li>3. Each activity takes place at the same time of day, and on the same day of the week or week of the month.</li> </ol>	\$100 (30% cost recovery)
Permit Amendment Fee	-Allows for staff review of modifications to previously approved permits.	\$30 (24% cost recovery)

With approval of these fees, Parque de los Pobladores will be managed and coordinated by the Outdoor Special Events staff in OCA. PRNS will continue to support and maintain the park.

July 30, 2012

**Subject: Special Event Permit Fees: Parque de los Pobladores**

Page 4

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

City staff reviews fees and charges for use of public spaces during the annual Fees and Charges development period and will recommend appropriate fee changes associated with the Parque de los Pobladores as part of the annual Fees and Charges document.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- 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. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the criterion listed and will be posted on the City's website for the August 21, 2012 Council agenda. This item was discussed with SoFA stakeholders and special event organizers on June 26, 2012 and July 17, 2012.

### **COORDINATION**

This memorandum was coordinated with the Parks, Recreation and Neighborhood Services Department and the City Attorney's Office.

### **FISCAL/POLICY ALIGNMENT**

This action is consistent with the Council-approved *Cultural Connection: City of San José's Cultural Plan for 2011-2012*, and the following strategic goals: support the availability of diverse cultural spaces and places throughout the community; strengthen Downtown San José as the creative and cultural center of the Silicon Valley; and foster destination quality events in San José.

HONORABLE MAYOR AND CITY COUNCIL

July 30, 2012

**Subject: Special Event Permit Fees: Parque de los Pobladores**

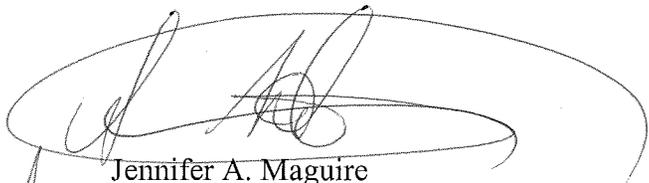
Page 5

**COST SUMMARY/IMPLICATIONS**

With the recommended establishment of the Parque de los Pobladores permit fees, no General Fund revenue is assumed for 2012-2013 due to the lack of historical collection levels of these fees.

**CEQA**

Categorically exempt, File No. PP12-037.



Jennifer A. Maguire  
Budget Director

/s/  
Kim Welsh  
Director of Economic Development  
Chief Strategist

For questions, please contact Kerry Adams Hapner, Director of Cultural Affairs, at (408) 793-4333.