



# City of Santa Clara

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## Agenda Report

18-988

Agenda Date: 7/16/2018

### REPORT TO COUNCIL

#### SUBJECT

Action on Sponsorship of the Korean American Chamber of Commerce of Silicon Valley's Korea Day Event on August 11, 2018

#### BACKGROUND

At the July 10, 2018 Council meeting, Mr. Ken Kim of the Korean American Chamber of Commerce of Silicon Valley (Korean Chamber) presented a petition requesting an item be placed on the Council agenda to request assistance for the Korean Chamber Korea Day.

The City requires event organizers to obtain permits as required by the Municipal Code for temporary uses, outdoor amplification of music, and other components of their special event.

The Korean Chamber has requested that the City sponsor the Korea Day event by providing marketing assistance for the event; providing assistance with event logistics; and, waiving permit fees and other costs required for the event. The Council voted unanimously to schedule the topic on the July 16, 2018 Council meeting for consideration and potential action.

#### DISCUSSION

The Korean Chamber has submitted a Special Event Application to determine the permits required for the Korea Day event. The Special Event Application is attached to this report.

Date:	August 11, 2018
Time:	10:30 am to 4 pm
Location:	Moonlite Shopping Center, 2636 El Camino Real.
Program:	Folk dance performances Food from participating restaurants Attendance: Approximately 2,000 with the maximum number of attendees expected at any given time to be 300

#### **Permits**

Several permits may be required from the City to accommodate the event. These permits are discussed in more detail below and include:

- Special Permit
- Amplified Music (Sound) Permit
- Fire Permit
- Building Permit
- Police Services

- Special Event Application Fee

#### Special Permit - \$232.56

The Zoning Code requires a Special Permit for temporary uses, such as a festival on a parking lot. The Special Permit has processing fee of \$232.56 for non-profit organizations. The Zoning Code provides that Special Permits be approved by Council. ***Although the event organizer is in the process of completing the Special Permit Application, there is not another Council meeting to secure the requisite approval prior to the planned event date.***

#### Amplified Music (Sound) Permit - \$60

An Amplified Music Permit is required for outdoor amplified music, including music from a live performance, or operation of any sound system outdoor. The Korean Chamber Special Event application is not specific regarding the need for an Amplified Music Permit but the cost has been assumed as a need for this Report.

#### Fire Permit - \$1,562

A Fire Permit is required for exhibits, trade shows, concerts, and other events with an anticipated attendance of more than 1,000 people or covered booths exceeding 1,000 square feet. The processing fee for the Fire Permit for Carnivals and Fairs is \$896 and there is an expedited plan review fee of \$666 for applications submitted less than four weeks prior to the day of the event. The total cost of the permit with expedited plan review is \$1,562.

#### Stage and Building Permit - Undetermined

A building permit is required for the temporary construction of a stage with a height of 30 or more inches. The processing fee for the Building Permit depends on the rate of the labor it requires to set up and take down the stage.

The Korean Chamber has not specified the size of the stage/performance area needed for the program but anticipates the need to be anywhere from 16' x 20' to 20' x 40'. A contractor has not been secured to provide this service. The Korean Chamber has requested City assistance to procure a stage and/or allow the Korean Chamber to borrow a stage owned by the City with a minimum height of six inches. The City does not have a policy to loan its resources to outside organizations.

#### Temporary Structures - Undetermined

Permits may be required if an event organizer uses canopies and/or tents for the event. The Special Event Application indicates that there would be six 3' x 3' tents but upon follow up, it appears that plans may include several 10' by 10' tents. The submitted diagram does not provide sufficient information to be conclusive about whether or not permits will be required and/or the cost of any potential permits.

#### Police Services and Safety Plan - \$3,025 to \$3,575

The Police Department determines whether police staffing is required (and if required, the level of staffing) for an event based on a variety of factors, such as number of attendees and event location. The cost of staffing is determined by requisite staffing levels and number of hours required. The Police Department has requested that a safety plan for the event be submitted for review and approval. Sufficient police staffing for a five to six hour event with a crowd of 2,000 people is currently estimated to be in the range of \$3,025 to \$3,575.

**Special Event Application Fee - \$25**

The Special Events Application allows City staff to review the proposed components of an outdoor special event to determine the required permits and services. There is a Special Event Application processing fee of \$25 for non-profit organizations. Korean American Chamber of Commerce of Silicon Valley is a California non-profit organization.

Other Notes:

**Food**

In the attached Special Event Application, the event organizer states that food will be prepared and sold at the event. The cooking method specified was gas. Food service requires accommodations for food handling; food protection; waste management; and restrooms. After discussing food service requirements with the County Health Department, Korean Chamber advised staff that there will be no open air food prep; open air eateries and/or food trucks at the event. Event goers would be able to purchase food by patronizing restaurants within the shopping center. As such, no permit costs have been assumed for food.

**Portable Restrooms**

The Korean Chamber has indicated that there are not currently plans to provide portable restrooms at the event. The City feels that it is in the best interest of the event to have portable restrooms available, given the estimated number of attendees.

**Additional City Assistance**

In addition to the possible use of a stage owned by the City, Korean Chamber has verbally made other resource requests for assistance from the City. These requests have included: 1) marketing/advertising support and use of the City's website and social media channels to market the event and 2) City staff support to plan and execute the event. As the City does not have dedicated public events staff, the capacity within the organization would only be created by redirecting staff from other Council and/or service priorities.

The City has not used its website or other social media channels to advertise/market events that were not events of the City of Santa Clara. Providing the marketing support on behalf of a local organization for a non-City event, would likely result in similar requests from other organizations. The City does not have capacity to draft a Council Policy or City Manager Directive on the use of the City's website before this action could be considered.

The cost associated with the use of the requested City resources has not been quantified. The City does not have the staffing capacity to undertake the planning and execution of an event of this magnitude. Providing the requested staff support on behalf of a local non-profit would likely result in similar requests from other non-profit organizations which is not sustainable.

**Cost Estimate**

Based on the information detailed above, cost estimate based upon the information available is:

Fee/Permit/Service	Cost
Special Permit	\$ 232.56
Amplified Music (Sound) Permit	\$ 60.00
Fire Permit with Expedited Plan Review	\$ 1,562.00
Building Permit (Stage)	\$ TBD
Stage (rental) or Stage (city support)	\$ TBD
Temporary Structures	\$ TBD
Police Services and Safety Plan	\$ 3,025 - \$3,575.00
Special Event Application Fee	\$ 25.00
City Staff Support	Undetermined/Capacity Not Available
<b>TOTAL</b>	<b>Minimum: \$4,904.56</b>

To address requests for City sponsorship, a draft Sponsorship Policy has been prepared and reviewed at the Governance Committee. A final draft will be brought forward for Council consideration this summer. In addition, funds have been set aside to provide a funding source for this type of sponsorship for community events. Until the policy is approved by Council, Council action to fund specific events is required. It should be noted that sponsorship on the part of the City does not include liability or staff support for the planning and implementation of the event. The sponsorship is limited to the financial contribution to fund the fees identified above.

With Council approval, City funds would be used to pay for the fees and services and there would be no cost to the Korean American Chamber of Commerce of Silicon Valley for the permits and services associated with its August 11, 2018 Korea Day event.

## **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

## **FISCAL IMPACT**

Although the total fiscal impact associated with approval of the Korean American Chamber of Commerce’s entire request is undetermined, Council has designated \$100,000 in funds to pay for fees and sponsorships for fiscal year 2018/19. The available funds are budgeted in the Non-Departmental Program in the Miscellaneous Service and Supplies line item. If Council authorizes staff support to organize and execute the Korea Day event, staffing costs would be deducted from this budget line.

## **COORDINATION**

The report has been coordinated with the Finance Department and City Attorney’s Office.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website

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and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

### **ALTERNATIVES**

1. Approve the sponsorship of the required City permit fees only for the August 11, 2018 Korea Day event at no cost to the Korean American Chamber of Commerce of Silicon Valley.
2. Approve the partial sponsorship of the required City permit fees only, as noted in Alternative 1.
3. Take no action
4. Alternate action approved by Council

### **RECOMMENDATION**

There is no staff recommendation for this issue, other than staff support not be included in the City Council's action for purpose of not setting precedent.

Reviewed by: Ruth Shikada, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Korean American Chamber of Commerce of Silicon Valley Special Events Application for August 11, 2018 Korea Day Event
2. Site plan received on July 6, 2018 via Email from Korean American Chamber of Commerce of Silicon Valley