### OFFICE OF ECONOMIC DEVELOPMENT

## **Impact Analysis Report**

### **OVERVIEW**

The Office of Economic Development (OED) is responsible for administering the City's Foreign Trade Alternative Site Framework (ASF) Zone and various fees and permits associated with cultural activities.

Maintaining a Foreign Trade Zone enhances the City's economy and prestige as a foreign trade-friendly international city and it is an important international economic development tool. The ASF Zone fees were established on November 5, 2012 to provide San José businesses an expedited application review process by the City and the Foreign Trade Zone Board for businesses who want to activate a site as a Foreign Trade Zone.

In addition, OED administers the application review for the Wayfinding Banner program. Wayfinding banners are directional in nature to identify a unique area of the City and are limited to streets in the Downtown and major arterials.

The Office of Cultural Affairs (OCA), a division of OED, collects fees for activities such as event permit and use permit fees. Consistent with past practice, these fees and charges are designated as Category II (fees which may be less than or more than full cost recovery).

On April 6, 2010, the City Council approved strategies to reduce charges to outdoor special event producers with the goal of promoting outdoor special events that generate economic impact and cultural vibrancy for the City of San José. In accordance with direction, the Gated Event on

Public Property Fee was suspended through June 30, 2012 (from 5% of gross gate receipts to 0%). Extension of the fee suspension through June 30, 2014 was approved by the City Council on May 1, 2012 to provide continued opportunity for event producers to increase revenues through 2013-2014. On April 15, 2014, City Council approved an additional extension of the fee suspension through June 30, 2016. As a result of the suspension, signature San José events such as the San Jose Jazz Summer Fest, San Jose Juneteenth in the Park Festival, San Jose Pride, and Fountain Blues Festival were able to increase their revenue generation, which was critical to the continued success of these events. A continuation of this suspension is recommended through June 30, 2018 in this report.

# SUMMARY AND IMPACT OF PROPOSED FEE REVISIONS

### **Existing Fees**

In 2016-2017, a number of fee changes are proposed to more closely align fees with projected cost increases. To remain near prior year's cost recovery, increases in the following fee sections are recommended: Foreign Trade ASF Zone, Paseo/Plaza Use Permit (selected fees), Parque de los Pobladores (also known as Gore Park) Use Permit (selected fees), Private Property Event Permit (selected fees), and Wayfinding Banner Application.

Included in this report is a recommendation to continue the suspension of the Gated Event on Public Property Fee through June 30, 2018. If Council approves this

### OFFICE OF ECONOMIC DEVELOPMENT

### Existing Fees (Cont'd.)

recommendation, event organizers who choose to collect entrance fees for their events will continue to receive and retain additional revenues to help offset event production costs. The 5.0% gate fee revenue traditionally augments the Transient Occupancy Tax (TOT) based grant funds awarded through the Festival, Parade and Celebration (FPC) Grant Program administered by the OCA. The continuation of this suspension would have no additional impact to the General Fund, since it has been in effect since 2009-2010. However, the extension of this suspension will also continue to reduce the amount of available funds in the FPC Grant Program. If the suspension is allowed to expire, the projected impact to the General Fund is estimated to be between \$35,000 and \$40,000 in revenue per year for 2016-2017 and 2017-2018.

### New Fees

Permit Cancellation Fees (25% of permit fee with more than 30 days prior to event notice or 50% of permit fee with 30 days or less prior to event notice) will allow the City to recover a portion of the staff time spent on processing and issuing a use permit for Parque de los Pobladores (also known as Gore Park), Paseo/Plaza, and Private Property.

Additionally, a Street/Public Sidewalk – Additional Inspection Fee of \$100 per return visit (65.6% cost recovery) is recommended to be assessed to event organizers who do not perform a proper clean-up of a street or public sidewalk after an outdoor special event. The Street Closure Permit is issued by the San José Police Department, but the inspection of the streets and public

sidewalks after these events are the responsibility of OCA staff. With this new fee, OCA staff will provide organizers an initial inspection at no cost; however, if the street or public sidewalk is not clean upon the first inspection, OCA will charge the event organizer \$100 for each return visit for inspection.

### **NOTIFICATION**

The Proposed Fees and Charges Report was released on May 6, 2016, allowing for a minimum of 10 days for public review. Public input on fee proposals will be heard by the City Council at public hearings held on Tuesday, May 17, 2016, at 1:30 p.m. and Monday, June 13, 2016, at 7:00 p.m. in the Council Chambers.

# **ECONOMIC DEVELOPMENT**

Service		2015-2016		2016-2017	2016-2017 Estimated Revenue		_	2016-2017 % Cost Recovery	
	2015-2016 Adopted Fee	% Cost Recovery	2016-2017 Proposed Fee	Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee	
ECONOMIC DEVELOPMENT - CATE  1. Foreign Trade Alternative Site Framework Zone	GORY II								
Annual Operating Agreement     Maintenance Fee	\$275	9	\$300						
2 Application Fee	\$500	9	\$525						
3 Operating Agreement Set-Up Fee	\$2,500	\$	\$2,775						
Sub-total Foreign Trade Alternative	e Site Framework Zone	100.0%		1,217	1,100	1,200	90.4%	98.6%	
<ul><li>2. Gated Event on Public Property</li><li>1 Gated Event Maximum Ticket Charge</li></ul>	Maximum \$30 per person per day (unless modified by a contractual agreement approved by City Council)	1	No Change						
2 Gated Event on Public Property Fee Note: (Extend fee suspension through June 30, 2018)	0% of gross gate receipts (unless modified by a contractual agreement approved by City Council)	1	No Change						
Sub-total Gated Event on Public P	roperty								
SUB-TOTAL ECONOMIC DEVELOR	PMENT - CATEGORY II	100.0%		1,217	1,100	1,200	90.4%	98.6%	
TRANSIENT OCCUPANCY TAX FUNI  1. Parque de los Pobladores (also known as Gore Park) Use Permit Note: Formerly titled "Paseo/Plaza Use Permit Fees for Temporary Outdoor Uses of Parque de los Pobladores (also known as Gore Park) Use."									
1 Amendment Fee	\$30 (for previously approved event)		\$35 (for previously approved event)						

# **ECONOMIC DEVELOPMENT**

2016-2017

2016-2017

Service	2015-2016			2016-2017	Estimated Revenue		% Cost Recovery	
	2015-2016 Adopted Fee	% Cost Recovery	2016-2017 Proposed Fee	Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee
TRANSIENT OCCUPANCY TAX FUNI  1. Parque de los Pobladores (also known as Gore Park) Use Permit	D ECONOMIC DEVELOPMENT - C	ATEGORY I	I					
2 Cleaning and Damage Deposit	\$1,500 (refundable)		No Change					
3 Series Permit Fee*	\$100 (series up to 4 events held in 3-month period)		\$105 (series up to 4 events held in 3-month period)					
4 Single-Use Permit Fee*	\$60 (1 to 3 (consecutive) day period for a single event)		\$65 (1 to 3 (consecutive) day period for a single event)					
Sub-total Parque de los Pobladore Permit  2. Paseo/Plaza Use Permit Note: Formerly titled "Paseo/Plaza Use Permit Fee."	es (also known as Gore Park) Use	76.9%		558	400	430	71.7%	77.1%
"Non-Peak" Extended Permit     Fee (Cleaning and Damage     Deposit)	\$1,500 (refundable)		No Change					
2 "Non-Peak" Extended Permit Fee*	\$275 plus \$275 per each 28 day period (or portion thereof), after the first 28 day period		\$285 plus \$285 per each 28 day period (or portion thereof), after the first 28 day period					
3 Limited Special Event and Guaranteed Simple Assembly Permit Fee	\$40 per permit		\$45 per permit					
4 Permit Amendment Fee	\$235		\$245					
5 Series Events Permit Fee (Cleaning and Damage Deposit)	\$1,500 (refundable)		No Change					
6 Series Events Permit Fee*	\$420		\$440					
7 Short-Term Event Permit Fee (Cleaning and Damage Deposit)	\$1,500 (refundable)		No Change					

# **ECONOMIC DEVELOPMENT**

Service		2015-2016		2016-2017	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
	2015-2016 Adopted Fee	2015-2016 % Cost	2016-2017 Proposed Fee	Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee
RANSIENT OCCUPANCY TAX FUND 2. Paseo/Plaza Use Permit	D ECONOMIC DEVELOPMENT -	CATEGORY I	I					
8 Short-Term Event Permit Fee*	\$275 per event not to exceed 28 days including set-up and teardown		\$290 per event not to exceed 28 days including set-up and teardown					
Street/Public Sidewalk -     Additional Inspection Fee			\$100 per return visit					
Sub-total Paseo/Plaza Use Permit		83.2%		8,983	7,020	7,340	78.1%	81.7%
<ol> <li>Permit Cancellation</li> <li>Permit Cancellation Fee - 30 days or less notice         Note: Applicable to those permits marked with an asterisk (*).     </li> </ol>			50% of permit fee					
2 Permit Cancellation Fee - More than 30 days notice Note: Applicable to those permits marked with an asterisk (*).			25% of permit fee					
Sub-total Permit Cancellation								
4. Private Property Event Permit Note: The Vehicle Sales Event Permit was transferred to the Department of Planning, Building and Code Enforcement.								
Administrative Process Fee for Downtown Core Note: Formerly titled     "Administrative Process Fee."	\$100 per permit		\$110 per permit					
2 Non-Vehicle Sales Event*	\$850 per event		No Change					
Sub-total Private Property Event P	ermit	83.0%		15,239	12,200	12,230	80.1%	80.3%

# **ECONOMIC DEVELOPMENT**

		2015-2016		2016-2017	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
Service	2015-2016 Adopted Fee	% Cost Recovery	2016-2017 Proposed Fee	Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee
TRANSIENT OCCUPANCY TAX FUN	D ECONOMIC DEVELOPI	MENT - CATEGORY II						
<ul><li>Wayfinding Banner Application</li><li>Wayfinding Banner Application</li><li>Additional Review Fee</li></ul>	\$89 per hour	\$9	98 per hour					
2 Wayfinding Banner Application Review Fee	\$535	\$5	575 per application					
Sub-total Wayfinding Banner Appl	lication							
SUB-TOTAL TRANSIENT OCCUPA ECONOMIC DEVELOPMENT - CAT		83.0%		24,780	19,620	20,000	79.2%	80.7%
TOTAL DEPARTMENT - GENERAL	. FUND			1,217	1,100	1,200	90.4%	98.6%
TOTAL DEPARTMENT - NON-GEN	ERAL FUND			24,780	19,620	20,000	79.2%	80.7%
TOTAL DEPARTMENT - Category	II			25,997	20,720	21,200	79.7%	81.5%
TOTAL DEPARTMENT				25,997	20,720	21,200	79.7%	81.5%

### ENVIRONMENTAL SERVICES DEPARTMENT

## **Impact Analysis Report**

### **OVERVIEW**

The Environmental Services Department (ESD) administers two fee programs as part of the Integrated Waste Management Program: Source Reduction and Recycling Fees and Franchise Application Fees. The programs funded by these fees are described in Exhibit A. In addition to this, ESD administers two fees as part of the Silicon Valley Energy Watch Tool Lending Library Program.

## Source Reduction and Recycling Fees

There are several fees in the Source Reduction and Recycling category: two Commercial Solid Waste fees, a Landfill Waste Disposal Fee, a Disposal Facility Operator Integrated Waste Management Fee, and Waste Diversion Compliance Review Fee. The Commercial Solid Waste Fees and Landfill Waste Disposal Fee are also commonly referred to as AB 939 fees.

The exclusive franchise with Republic Services replaced the non-exclusive franchise system for most types of commercial garbage hauling, effective July 1, 2012.

The Commercial Solid Waste Fee for Commercial Solid Waste collected by Republic Services is reevaluated annually and modified as needed to fund the oversight, administration, and enforcement of the City's commercial solid waste system, residue disposal, and to cover the cost of programs targeted at waste diversion, such as waste materials processing in the commercial sector. This fee is proposed to remain at \$2.9 million for 2016-2017. Republic Services will retain \$400,000 of this \$2.9 million fee to pay for waste processing costs. The fee is included in the

commercial service rates, the report for which was approved by the City Council on May 3, 2016.

The Commercial Solid Waste Fee paid by generators and collected by non-exclusive franchisees will remain at \$0.89 per un-compacted cubic yard collected and \$2.67 per compacted cubic yard for 2016-2017. Since the City implemented an exclusive franchise system for commercial garbage hauling, only certain types of construction and demolition debris and residential cleanout haulers are eligible for non-exclusive franchises. It is expected that all material collected by the non-exclusive franchisees will be recycled and no fees will apply. However, if the material hauled by the non-exclusive franchisees contains more than 20% contamination, or is landfilled for another reason, the Commercial Solid Waste Fee for non-exclusive franchisees would apply to that tonnage.

The Landfill Waste Disposal Fee charged at landfills and transfer/processing stations will remain unchanged for 2016-2017 at \$4.10 per ton of disposed solid waste. Pursuant to agreements between the City of San José and Santa Clara County, \$1.50 per ton of this fee is distributed to the City for activities related to recycling, and \$2.60 is used by the County and participating cities for Household Hazardous Waste (HHW) programs. In the event the City elects to collect its own Landfill Waste Disposal Fee, the City may collect \$4.10 per ton of disposed waste to fund activities related to recycling, however, San José would then no longer be eligible to participate in the County's HHW programs.

### **OVERVIEW**

## Source Reduction and Recycling Fees (Cont'd.)

The projected revenues for the Landfill Waste Disposal Fee in 2016-2017 are \$975,000. The estimated cost recovery rate for Landfill Waste Disposal fees is 99.5%.

A Disposal Facility Operator Integrated Waste Management Fee of \$4.10 per ton of solid waste is included in this report. This fee is not currently collected by the City because the City has an agreement with the County to collect the Landfill Waste Disposal Fee. The revenue from this fee remains with the County to be used for solid waste programs that benefit the City of San José.

The Waste Diversion Compliance Review Fee reflects the time and resources required to process the program's applications, and is recommended to increase from \$100 to \$104 per hour of review, due to updated cost estimates associated with the personnel costs of delivering the review service.

## Franchise Application Fee

The Franchise Application Fee is recommended to increase from \$500 to \$535 per application for 2016-2017, due to updated cost estimates associated with the personnel costs of delivering the application review and processing services. In 2012, the City moved to an exclusive franchise system for commercial solid waste hauling and only a limited number of haulers are eligible for non-exclusive franchises; at least one application is anticipated in 2016-2017.

## Miscellaneous Fees

ESD administers two fees as part of the Silicon Valley Energy Watch Tool Lending Library Program to recover the cost of damaged or lost power meters rented out to the public through the library. The fee for damaged material and the fee for lost material will remain at \$25.00 in order to recover 100% of the costs of the meter. In addition, when a power meter is lost or damaged, a handling fee of \$10.00 will be charged by the Library Department to the borrower. This fee can be found in the Library Department's section of this report.

# SUMMARY AND IMPACT OF PROPOSED FEE REVISIONS

### **Existing Fees**

As described above, the Franchise Application Fee for non-exclusive commercial solid waste application processing, review, and memo coordination is recommended to increase from \$500 to \$535 per application. Additionally, the Waste Diversion Compliance Review Fee is recommended to increase from \$100 to \$104 per hour of review.

## **NOTIFICATION**

The Proposed Fees and Charges Report was released on May 6, 2016, allowing for a minimum of 10 days for public review. Public input on fee proposals will be heard by the City Council at public hearings held on Tuesday, May 17, 2016, at 1:30 p.m. and Monday, June 13, 2016, at 7:00 p.m. in the Council Chambers.

Exhibit A

## SOURCE REDUCTION AND RECYCLING ELEMENT PROGRAMS FUNDED FROM AB939 FEES

### General Solid Waste Management

Provides development, administration, evaluation, and coordination of all Source Reduction and Recycling Element programs and activities.

### **Source Reduction**

Provides public information and education, samples public opinion to determine attitudes about source reduction issues, and evaluates various educational approaches, including back yard composting programs. Works with non-profit recyclers and other organizations to promote source reduction and reuse.

### **Commercial Recycling**

Provides outreach, technical assistance, and franchise enforcement for the commercial sectors of the City. Also manages exclusive and non-exclusive hauling franchises and the Construction and Demolition Recycling and Public Litter Can Programs. Develops and implements programs to reach the City's waste reduction and diversion goals.

## **Evaluation Component**

Provides evaluation of the effectiveness of, and participation rates for, the department's recycling programs, and makes recommendations for improving programs.

## **Market Development**

Provides policy and technical analysis, program promotion, contingency planning, legislative advocacy, expansion of local recycling manufacturing activities, and expansion of City procurement of recycled products.

### Civic Recycling

Provides storage containers, training, and recycling services for public areas, parks, and other City facilities and venues. Administers City/County funding from CalRecycle (State of California) for beverage container recycling. Coordinates with City departments and outside agencies for demonstration and pilot projects.

## Special Events and Venues Recycling

Provides technical assistance and resources to the event and venue planning community to "green" events and incorporates zero waste planning into procedures and processes. Resources include workshops, recycling equipment loans, recycling collection services, and a certification program to encourage participation and high recycling rates. Administers a grant program to help off-set costs of producing green events.

## Schools Recycling

Provides resources and technical assistance to promote waste reduction and recycling in San José's K-12 schools.

## Zero Waste Planning

Provides development of a Zero Waste Plan for the City, including planning for long-term and local recycling processing infrastructure, disposal capacity, emerging regulatory requirements, and recovery of energy from non-recyclable wastes.

## **Illegal Dumping**

Provides resources for the collection, diversion, and recycling of those solid wastes discovered within specific City areas, and also includes the removal of hazardous waste materials.

# **ENVIRONMENTAL SERVICES**

		2015-2016		2016-2017	2016-2017 Estimated Revenue			6-2017 Recovery
Service	2015-2016 Adopted Fee	% Cost Recovery	2016-2017 Proposed Fee	Estimated Cost	Current Fee		Current Fee	Proposed Fee
ENVIRONMENTAL SERVICES FEE  1. Franchise Application Fees  1 Commercial Solid Waste Application Fee	S - CATEGORY I \$500 per application	\$	535 per application					
Sub-total Franchise Application	Fees	99.2%		536	500	535	93.3%	99.8%
SUB-TOTAL ENVIRONMENTAL S CATEGORY I	SERVICES FEES -	99.2%		536	500	535	93.3%	99.8%
ENVIRONMENTAL SERVICES FEE  1. Miscellaneous Fees  1. Damaged Power Meter Fee Note: In addition to the fee liste here, the Library will charge a handling fee for damaged material. This fee is described in the Library Department section of this report.	\$25 ed	•	lo Change					
2 Lost Power Meter Fee Note: In addition to the fee liste here, the Library will charge a handling fee for lost material. This fee is described in the Library Department Section of this report.		N	lo Change					

### **Sub-total Miscellaneous Fees**

SUB-TOTAL ENVIRONMENTAL SERVICES FEES - CATEGORY I (GENERAL FUND)

# **ENVIRONMENTAL SERVICES**

	2015-2016 Adopted Fee	2015-2016 % Cost 2016-2017 Recovery Proposed Fee	2016-2017		2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
Service				Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee
ENVIRONMENTAL SERVICES FEES  1. Source Reduction and Recycling 1 Commercial Solid Waste Note: Applies only to non- exclusive franchisees	\$0.89/uncompacted cubic yard collected; \$2.67/compacted cubic yard collected (paid by generators); and \$14.83 per ton collected from City facilities in rolloff boxes		No Change					
2 Commercial Solid Waste collected by exclusive franchisees Note: San José will receive only \$2.5 million of this fee; \$400,000 will be retained by hauler for waste processing costs per the franchise agreement, as approved by the City Council on May 3, 2016.	\$2,904,000 per fiscal year (paid by franchisee with both geographic collection district franchises)	98.2%	\$2,900,000 per fiscal year (paid by franchisee with both geographic collection district franchises)	2,526,477	2,500,000	2,500,000	99.0%	99.0%
3 Disposal Facility Operator Integrated Waste Management Fee Note: San José does not receive revenue from this fee at this time. Revenue is retained by the County for solid waste programming.	\$4.10 per ton of solid waste; revenue is collected through the County		No Change					
4 Landfill - Waste Disposal Note: San José receives only a portion of these fees collected by the County based on surplus available from the County after administration of the Household Hazardous Waste Program.	\$4.10 per ton (\$1.50 per ton San José portion - fee collected by County; \$2.60 per ton - fee collected by the County for Household Hazardous Waste Programs)	90.7%	No Change	980,182	975,000	975,000	99.5%	99.5%

# **ENVIRONMENTAL SERVICES**

		2015-2016		2016-2017		6-2017 d Revenue		6-2017 Recovery
Service	2015-2016 Adopted Fee	% Cost Recovery	2016-2017 Proposed Fee	Estimated Cost	Current Fee	Proposed Fee	Current Fee	Proposed Fee
ENVIRONMENTAL SERVICES FEES  1. Source Reduction and Recycling	6 - CATEGORY II							
5 Waste Diversion Compliance Review	\$100 per hour of review	\$	104 per hour of review					
Sub-total Source Reduction and I	Recycling	96.1%		3,506,659	3,475,000	3,475,000	99.1%	99.1%
SUB-TOTAL ENVIRONMENTAL S CATEGORY II	ERVICES FEES -	96.1%		3,506,659	3,475,000	3,475,000	99.1%	99.1%
TOTAL DEPARTMENT - GENERAL	L FUND							
TOTAL DEPARTMENT - NON-GEN	NERAL FUND			3,507,195	3,475,500	3,475,535	99.1%	99.1%
TOTAL DEPARTMENT - Category	1			536	500	535	93.3%	99.8%
TOTAL DEPARTMENT - Category	II			3,506,659	3,475,000	3,475,000	99.1%	99.1%
TOTAL DEPARTMENT				3,507,195	3,475,500	3,475,535	99.1%	99.1%