



**CITY OF POMONA
VEHICLE PARKING DISTRICT
BOARD OF PARKING PLACE COMMISSIONERS
STAFF REPORT**

September 22, 2021

Agenda Item No. 09-22-06

To: Vehicle Parking District Board of Parking Place Commissioners

From: Kirk Pelser, Deputy City Manager

Submitted By: Joaquin Wong, Sr. Project Manager

SUBJECT: REQUEST FROM THE dA CENTER FOR THE ARTS, TO UTILIZE VEHICLE PARKING DISTRICT (VPD) LOT 7 AND WAIVE THE DAILY PARKING FEE FOR A CAR SHOW AND ART EXHIBITION ON SATURDAY, SEPTEMBER 25, 2021

RECOMMENDATION:

That the Vehicle Parking District Board of Parking Place Commissioners consider the following:

- 1) Opening discussions on the benefits to the VPD by allowing the dA Center for the Arts to utilize Lot 7 exclusively and waiving the VPD daily parking fees for their car show and art exhibition on Saturday, September 25, 2021, pursuant to the VPD donation policy (Attachment No. 1).
- 2) Based on the Board's findings (benefiting the VPD), approve the dA Center for the Arts request to use Lot 7 and waive the daily parking fees in Lot 7 on Saturday, September 25, 2021, for the car show and art exhibition.

EXECUTIVE SUMMARY:

By approving the dA Center for Art's request to reserve and use VPD Lot 7 on Saturday, September 25, 2021 from 6 am to 3 pm and waive the parking fees for the day for their car show and art exhibit, the VPD would potentially be waiving an estimated total of \$228 of public parking dollars for the day, based on every parking space being utilized that morning. However, the potential benefits that the car show would provide to the VPD by patron parking revenues in other nearby lots and the momentum that the event could possibly create for the Downtown may well generate future parking patronage. As a non-profit entity, the dA Center of the Arts event will generate visitation to the Downtown.

FISCAL IMPACT:

VPD Lot 7 has 114 parking spaces, at \$2 per day the VPD could potentially waive an estimated total of \$228 in daily parking fees if every parking space was utilized that morning.

DISCUSSION:

Staff received a special event request from the Community Services Department for the dA Center for the Arts to utilize the entirety of Lot 7 on Saturday, September 25, 2021. Additionally, the dA is requesting that the VPD waive the parking fees in the lot for the day. The dA is a well-recognized art gallery in the Downtown. They have hosted a variety of art exhibitions and public events throughout the years. As a non-profit entity they have collaborated with the City to exhibit various art works such as those from the annual student water color contest whereby students throughout the City compete for prizes and recognition. The City Arts Commission coordinates the contest and works with the dA to display the student art work and host the award ceremony.

In past years the dA has held car shows of different magnitude, in 2019 they organized a similar event utilizing Lot 7, similar to what they are proposing this year. They have also conducted smaller shows utilizing only curb-side parking on Main Street, in front of their gallery.

The Southern California art community is familiar with the dA. Often well-known artist show their artwork at the center attracting art connoisseurs from all areas. Hosting a car show and art exhibition of this size is also anticipated to attract interest throughout the region. The venue will also include food and other vendors. This will help to bring awareness to the many positive venues and activities in the Downtown.

A \$1,000 refundable clean-up and maintenance deposit will be collected to assure that Lot 7 is returned to its original condition post show.

The Downtown Pomona Owners Association (DPOA) is also in support of the show.

The VPD contribution policy requires that the VPD Commission make a finding that the event will benefit the District (VPD). After making such a determination, the VPD may approve the request. The Contribution Policy falls under the VPD's broad authority to improve and encourage the use of VPD parking lots, and requires the VPD Commission to consider specific factors when determining whether requested contributions are beneficial to the VPD.

The Commission adopted the Policy to standardize the objectives of contribution requests (parking included), and must consider the following factors for consideration and findings:

- a. Whether the contribution results in a demonstrable benefit to the operation, management, or maintenance of the VPD parking lots;
- b. Whether the contribution is applied to a service complementary to services the VPD provides;
- c. Whether the contribution is applied to a service that the VPD could provide, but does not provide; and
- d. Whether the VPD budget has sufficient funds to allow the contribution.

If the VPD Commission considers the factors described in the Contribution Policy and finds that the requested contribution is beneficial to the VPD's operation, management, or maintenance of VPD parking lots, then the VPD Commission may award a contribution or waiver of parking fees off up to \$1,000.

ATTACHMENTS:

Attachment No. 1 – VPD Contribution Policy
Attachment No. 2 – dA Center for the Arts Request Letter
Attachment No. 3 – Special Event Application

VPD CONTRIBUTION POLICY

1. Purpose

The Board of Parking Place Commissioners, commonly referred to in the City of Pomona as the “Vehicle Parking District (VPD) Commission,” occasionally receives requests from community groups for contributions to community events and programs. The VPD Commission requested a formal contribution policy to provide guidance in determining whether contributions to community groups are appropriate, and to support accountability and transparency in VPD operations and finances.

2. Authority

The VPD Commission is established pursuant to the Vehicle Parking Law of 1943 (California Streets and Highways Code Sections 31500 *et seq.*), and Chapter 58, Article VI of the Pomona City Code. Pursuant to Streets and Highways Code, the VPD Commission has control and supervision of parking places within the VPD. The VPD Commission is authorized to manage, operate, repair, maintain, and otherwise control parking places, and enforce all necessary regulations for the use of the VPD parking lots.¹ The authority granted by California law and the City Code is general and broad.

The City Council and VPD Commission have determined that, within the parameters of this Policy, certain contributions to community events and programs may be beneficial to the VPD. The City Council and VPD Commission have also determined that said contributions are part of the VPD Commission’s broad authority to manage VPD parking lot operations.

The VPD Commission’s authority to grant requests for contributions shall be conditioned upon the City Council’s approval of a VPD budget line item specifically for such contributions. Contributions shall be paid only from that portion of the VPD budget.

This Policy is approved by the VPD Commission and by the City Council. Any amendments to this policy are subject to the review and approval of the VPD Commission and the City Council.

3. Requests for Contributions

Requests for Contributions shall meet all of the criteria listed below.

- a. Requests shall be submitted in writing to VPD Office for placing on a future VPD Commission meeting agenda.
- b. Requests shall not be retroactively applied.

¹ See also Streets & Highways Code Sections 31506, 31518, 31779, 31780, and 31827.

- c. Requests shall include the specific requested amount.
- d. Requests shall provide a description of the organization/program/event, including verification of status as a nonprofit.
- e. Request shall describe the organization's/program's/event's relation and benefit to the VPD parking lots, if the applicant is aware of any relation or benefit.

4. VPD Commission's Criteria for Reviewing Requests

The VPD Commission shall review requests for contributions and consider the following factors:

- a. Whether the contribution results in a demonstrable benefit to the operation, management, or maintenance of the VPD parking lots;
- b. Whether the contribution is applied to a service complementary to services the VPD provides;
- c. Whether the contribution is applied to a service that the VPD could provide, but does not provide; and
- d. Whether the VPD budget has sufficient funds to allow the contribution.

If the VPD Commission considers the factors above and finds that the requested contribution is beneficial to the VPD's operation, management, or maintenance of VPD parking lots, then the VPD Commission may, by a majority vote of the seated members of the VPD Commission, approve a request for contribution up to \$1,000.00.



7.12.2021

To Whom It May Concern:

The dA Center for the Arts would like to host a Car show in Parking Lot 7 in the City of Pomona on Saturday, September 25, 2021 from 9 am to noon. The dA will abide by all CDC Covid Guidelines for this event. The dA would like to ask the Vehicle Parking District to waive the fee for the use of the lot 7 for this community event. The City of Pomona's Vehicle Parking District benefits by being a host to an event that adds to a healthy community and stimulates use of other parking lots and Pomona's local economy. This Car Show will include Pomona residents who belonged to active car clubs as well as car owners from surrounding cities. Pomona has a great history of low riders and customized cars that are works of art. Car shows are celebrations of expression, memories and community that bring people together.

The 3rd Annual Con Safos Car Show helps to bring awareness to The dA which is a comprehensive cultural arts center in the heart of the Pomona Arts Colony. For over 30 years, The dA annually presents 18 educational art exhibitions free and open to the public featuring over 1,500 local and nationally recognized artists. In addition to art exhibitions the dA provides studio art experiences in drawing, painting, mixed media, photography, dance, theatre, music, and video for over 2,000 students of all ages to include special needs adults, at risk populations, and the underserved populations of those suffer with mental illness. We have creative writers workshops and monthly open mics, a concert series, a theatre program for youth and adults, and we provide the use of our space for numerous not for profit organizations in Pomona who do not have a place to meet.

The dA is located directly across the street from Lot 7 in downtown Pomona. dA Contact Person:

Margaret Aichele

dA Center for the Arts 252 Main Street Pomona, CA 91766 W - 909.397.9716

C- 909.942.1606.

City of Pomona | Community Services

499 E. Arrow Hwy

Pomona, California 91767

Phone: (909) 620-2301 | Fax: (909) 624-8752 | E-mail: roberto_curiel@ci.pomona.ca.us

www.ci.pomona.ca.us

Special Event Permit Application

A completed Special Event Permit application, including all required documents such as proof of insurance, must be filed with the Community Services Division **at least four weeks prior** to the date of the event to allow for processing. Special Event Permits are required for events occurring on public property, either in part or whole (Pomona City Code Sec. 46-541 et seq.). Events occurring on private property may require a Temporary Use Permit from the Planning Division.

An application must be reviewed and be approved by various City departments, including the Fire and Police Departments, before a permit can be issued. A Special Event Permit application that does not allow the administrative time required to process is subject to review by staff. An approval or denial recommendation by staff is made based on the complexity of the event and will be the final decision. Submission of application does not guarantee approval.

Submissions can be made in person, e-mail, or fax. E-mail and in-person submissions are preferred.

Event Title: 3rd Annual Con Safos Car Show

Location: Lot 7 on the west side of South Main St. between 2nd and 3rd

Organization: dA Center for the Arts

Contact Name: Margaret Inserra - Aichele Title: Director

Address: 252 S Main St Pomona , CA 91766

Phone: 909.397.9716 Cell: 909.942.1606 Fax: _____

E-mail: margaret.daartcenter@gmail.com

Event Dates/Times

Setup:	Date: <u>9.25.2021</u>	Time: <u>6 am</u>	Day of Week: <u>Saturday</u>
Event Starts:	Date: <u>9.25.2021</u>	Time: <u>9 am</u>	Day of Week: <u>Saturday</u>
Event Ends:	Date: <u>9.25.2021</u>	Time: <u>noon</u>	Day of Week: <u>Saturday</u>
Cleanup done by:	Date: <u>9.25.2021</u>	Time: <u>3 pm</u>	Day of Week: <u>Saturday</u>

Event Description (required):

Estimated Attendance: Per Day: 300 Total: 300 Admission: \$0
 Event Last Held: Date: 2020 Location: Virtually or ☐ First-Time Event

PLOT PLAN - REQUIRED

PLEASE ATTACH A PLOT PLAN OR GOOGLE™ AERIAL INDICATING YOUR SETUP WITH AS MUCH DETAIL AS POSSIBLE. APPLICATIONS WILL NOT BE PROCESSED WITHOUT A PLOT PLAN.

FOOD AND BEVERAGES

A Temporary Health Permit is required anytime food or beverages will be served, whether sold or free, pre-packaged or prepared onsite. Please contact the Los Angeles County Department of Environmental Health at (626) 813-3326 for more information.

- 1) Will food or beverages be served at this event: YES **NO**
- 2) Please circle all that apply: Food Beverages Served Sold Pre-packaged Prepared Onsite
- 3) Type of food/beverage: N/A
- 4) Preparation method(s): N/A
- 5) Will you provide a three-compartment sink? YES **NO**
- 6) Number of food booths present: 0

ALCOHOL

If serving alcohol, an Alcoholic Beverage Control (ABC) permit is required. Pomona Police officers and/or additional security may be required. A copy of the ABC permit must be provided to Community Services and the Pomona Police Department. Liquor Liability Insurance must also be provided.

Alcohol to be served/sold: YES **NO** Type: _____ Service Times: _____

BOOTHS/VENDORS/CONCESSIONAIRES

A list of all vendors must be submitted at least **two (2) weeks prior** to the event.

How many food booths/vendors will be present? 0

How many information booths/tables will be present? 0

How many non-food vendors/merchants will be present? 0

STREET CLOSURES & PARKING

Street/Lane Closures

All street and lane closures will require either:

- Hiring Pomona Police officers at \$90.00/hour/officer
- Implementation of a professional Traffic Control Plan (TCP) drafted by a certified traffic engineer. Plans must have a wet signature and seal, signed by the engineer. All TCP's will be reviewed by Public Works Engineering and may incur plan check review fees. Barricades must be placed at each intersection of the street closure and must be staffed at all times in the event of an emergency. Barricades must be removed immediately upon conclusion of the event or completion of clean up.

Notification/Signatures

All closures will require notification and signatures to be obtained from affected residents and businesses, to be submitted at least **two (2) weeks prior** to the event. Signature sheets can be obtained from the Community Services website.

"No Parking" Signs

Type C3A signs indicating **"ROAD CLOSED TO THRU TRAFFIC"** AND **"NO PARKING"** signs must be obtained by applicant. The signs must be posted **72 HOURS PRIOR TO EVENT**.

- 1) Street/Lane Closure: YES **NO**
- 2) Location: _____
- 3) Closure Time(s): _____
- 4) What kind of traffic control device be used (circle one)? **Pomona Police Officers** **Traffic Control Plan**

Parking

Will you be requesting to use a VPD Lot? **YES** **NO** Lot Number: 7

Where will event attendees/organizers/vendors park? In the lot 7 and on the street

If a City-owned VPD Lot (Vehicle Parking District) is requested for downtown events, a VPD Lot Usage Request Form must be submitted, and can be obtained on the Community Services website. Please note that approval is not guaranteed, and all requests must be approved by the VPD Commission and/or its authorized representatives.

POLICE, SECURITY AND EMERGENCY MEDICAL PERSONNEL

Based on the nature of your event, the Pomona Police Department may require Pomona police officers and/or licensed security guards to be present at your event.

Will you be hiring Pomona Police Officers? YES **NO** Qty: _____ Times: _____

Will you be hiring licensed and bonded security guards? YES **NO** Qty: _____ Times: _____

Will you be having emergency medical personnel present? YES **NO** Company: _____

CANOPIES, TENTS, STAGES, AMPLIFIED SOUND, AND GENERATORS

Canopies: YES NO Qty: 0 Size(s): _____ Tents: YES NO Qty: 3 Size(s): 10'x10

Canopies/tents greater than 200 square feet in area will require a tent permit from Fire Prevention, (909) 620-2216.

Portable Stage: YES NO Qty: 0 Dimensions (required): 0

Stages higher than 30 inches will require an inspection and permit issued by Building and Safety, (909) 620-2371

Amplified Sound: **YES** NO

Depending on event location, notification to affected neighbors may be required at least two (2) weeks prior to event.

Type (Music/Movie/Speaking/Other): DJ & announcements Genre: Oldies

Start Time: 10 am End Time: Noon

Please describe the sound equipment that will be used for your event:

Standard PA ..no excessive volume

Generator: YES NO Qty: 0 Wattage: N/A (Please include on plot plan)

RESTROOMS, TRASH, AND CLEAN-UP

Restrooms

Portable restroom facilities may be required for your event, especially events with food/beverages. The quantity and location of facilities will be determined by Community Services staff.

Will you be providing portable restroom facilities? **YES** **NO** Qty: TBD

Delivery: Date: _____ Time: _____ Pickup: Date: _____ Time: _____

Restroom Company: _____ Phone: _____

Trash Receptacles

Additional trash receptacles and dumpsters may be required for your event, especially events with food/beverages.

Will you be providing additional trash receptacles? **YES** **NO** Qty: 12 Box trash

Will you be providing a trash dumpster? **YES** **NO** Qty: _____

Trash Company: _____ Phone: _____

Delivery: Date: _____ Time: _____ Pickup: Date: _____ Time: _____

The applicant will be responsible for the following:

- Supplying additional trash cans and/or dumpsters (if required)
- Making arrangements for clean-up and/or special trash pick up
- Applicable fees charged for trash clean-up and/or special trash pick up

Refundable Clean-Up Deposit

The City of Pomona reserves the right to require a refundable cleanup deposit, which may be kept when excessive trash is left after an event. Refundable cleanup deposit requirements will be determined by Community Services staff.

ADVERTISING

Application submission does not guarantee event approval. Please do not advertise your event until you have received event approval or preliminary approval for advertising.

How and when will event be advertised? Social Media and posters

INSURANCE (REQUIRED)

All approved Special Events will require the submission of liability insurance at least **two (2) weeks prior** to the event.

Insurance will be (circle one):

Provided by Applicant

Purchased through the City

If insurance will be provided by the applicant, the **two** following documents are required:

- 1) **Certificate of Liability Insurance:** With a General Liability Limit of at least \$1,000,000 and a General Aggregate Liability Limit of at least \$2,000,000, with the City of Pomona named as Certificate Holder as follows:

*City of Pomona
P.O. Box 660
Pomona, CA 91769*

- 2) **Additional Insured Endorsement:** As a second page attachment, with the City of Pomona named as Additional Insured as follows:

"The City of Pomona including elected or appointed officials, directors, officers, agents, employees, volunteers, or contractors."

If insurance will be purchased through the City, please inquire with Community Services for a quotation.

NOISE ORDINANCE AGREEMENT

There will be no violation of the City's Noise Ordinance (Article VII of Pomona City Code). If two (2) complaints of noise are made, and the second meter verifies that the noise is excessive; there will be no more amplification. Each violation after the first warning will result in a separate citation.

PARKING/TRAFFIC AGREEMENT

Sufficient off-road parking will be provided to prevent a traffic problem to the surrounding area.

STATEMENT OF UNDERSTANDING

I fully understand the time requirements for processing a Special Event Permit application. I agree to accept the decision of approval or denial by City staff if the minimum time required (30 days) has not been allowed for approvals.

HOLD HARMLESS AGREEMENT

The applicant and its successors in interest shall indemnify, protect, defend (with legal counsel reasonably acceptable to the City), and hold harmless the City of Pomona and any agency or instrumentally thereof, and its elected or appointed officials, directors, officers, employees, agents, volunteer, or contractors from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively "Claims") arising out of or in any way relating to this event, any discretionary approvals granted by the City related to the development of the project. If the City Attorney is required to enforce any conditions of approval, all costs, including attorney's fees, shall be paid for by the applicant.



Applicant's Signature

6.25.2021

Date

Margaret Aichele

Applicant's Name (Print)