

### **8.3 Approval of the San José Hotel Business Improvement District Annual Report for Fiscal Year 2024-2025.**

#### **Recommendation:**

(a) Adopt a resolution approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

(b) Approve an uncoded ordinance to approve the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Economic Development and Cultural Affairs)



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Nanci Klein

**SUBJECT:** SEE BELOW

**DATE:** May 10, 2024

Approved

Date

5/22/24

**SUBJECT: APPROVAL OF THE SAN JOSE HOTEL BUSINESS IMPROVEMENT  
DISTRICT ANNUAL REPORT FOR FISCAL YEAR 2024-2025**

## **RECOMMENDATION**

- (a) Adopt a resolution approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.
- (b) Approve an uncoded ordinance to approve the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council

## **SUMMARY AND OUTCOME**

The San José Hotel Business Improvement District (SJHBID) Annual Report (Annual Report) describes the planned activities for the district in the upcoming fiscal year and how the assessments are calculated. City staff reviewed the report and accompanying budget details to ensure the SJHBID services and funds are being managed in compliance with the Management District Plan. City Council acceptance of the Annual Report would result in the continued assessment of lodging businesses with 80 rooms or more within the boundaries of the City of San José to help fund marketing and sales promotion efforts for Fiscal Year (FY) 2024-2025.

## **BACKGROUND**

The SJHBID was originally formed in 2006 pursuant to Streets and Highways Code Section 36500 et seq., commonly referred to as the Property and Business Improvement Area Law of 1989 ('89 Law). The '89 Law required the SJHBID to be renewed annually. In an effort to implement long-range and larger-scale marketing and visitor attraction programs, in 2018, the

City Council disestablished the '89 Law SJHBID and established a new SJHBID pursuant to Streets and Highways Code Section 36600 et seq., commonly referred to as the Property and Business Improvement Area Law of 1994, for an initial five-year term ending June 30, 2023. The SJHBID was approved by hoteliers and adopted by City Council on December 6, 2022 for an additional 10-year term beginning July 1, 2023 through June 30, 2033. Once per year, beginning on the anniversary of SJHBID formation, there is a 30-day period in which business owners paying 50% or more of the assessment may protest and begin proceedings to terminate the SJHBID. San José Hotels, Inc. (SJHI) was selected as the Owners' Association for the SJHBID to implement the Management District Plan.

SJHBID is a benefit assessment district that helps fund marketing and sales promotion efforts for San José lodging businesses with 80 rooms or more located within the boundaries of the City of San José. This approach has been used successfully in destination areas throughout the state to improve tourism and drive additional room nights.

## **ANALYSIS**

### **HOTEL BUSINESS IMPROVEMENT DISTRICTS**

In general, a Hotel Business Improvement District (HBID) utilizes the efficiencies of private sector operation in the market-based promotion of tourism. These special assessment districts allow lodging and tourism-related business owners to organize efforts to increase tourism. Tourism-related business owners within the district fund the HBID, and those funds are used to provide services that the businesses desire and benefit the assessed lodging businesses within the HBID.

HBID benefits include:

- Funds cannot be diverted for other government programs;
- They are customized to fit the needs of each destination;
- They allow for a wide range of services, including marketing of the destination, tourism promotion activities, and sales lead generation;
- They are designed, created, and governed by those who will pay the assessment; and
- They provide a stable funding source for tourism promotion.

### **Management District Plan**

The Management District Plan, approved by the City Council when the SJHBID was renewed, includes the boundary of the SJHBID and a service plan and budget, and identifies a means of governance. The SJHBID includes all lodging businesses, with 80 rooms or more, existing and in the future, available for public occupancy within the boundaries of the City of San José.

The City is responsible for collecting the assessment on a monthly basis from each lodging business located in the SJHBID boundaries at the same time and in the same manner as the City's transient occupancy tax. In 2023, the City entered into a new agreement with SJHI for the

operation and administration of the SJHBID through June 30, 2033. The City forwards the assessments to SJHI, which has the responsibility of managing SJHBID programs as provided in the Management District Plan. The City will retain an administration fee equal to one percent of the amount of assessments collected or a flat fee of \$25,000, whichever is greater each year, with the minimum guaranteed administration fee of \$25,000 adjusted annually for inflation if the cost of living in the City has increased over the preceding base period as shown by the Consumer Price Index. However, in no event shall the adjustment exceed three percent per year. The amount of the administration fee varies based on the amount of assessments collected each month. The amount of the administration fee is reviewed annually as part of the Annual Report submitted by the SJHI Board of Directors. The City deducts the amount of the administration fee from the assessments and forwards the remaining monies to SJHI.

The following activities have been approved for FY 2024-2025 by the SJHI Board of Directors.

Tradeshows and Events: The sales team will be fully deployed to execute a robust tradeshow and customer event engagement strategy, which will be deployed to the Midwest and East Coast to diversify the customer base and continue to identify emergent industries, such as artificial intelligence and biotech. Key industry tradeshows will be mixed with direct sales efforts, including sales missions, client events, and familiarization tours. There will be ongoing coordination with the local hotel community and convention center to address peak periods within the calendar through proactive sales efforts, maximizing opportunities for hotel partner participation with Team San José sales staff.

Advertising and Public Relations: Targeted efforts will amplify those of the sales team, focusing on generating lead opportunities primarily through digital channels. Funds will be utilized to digitally target opportunities to drive direct transient bookings into hotels contributing to the district. Larger destination branding efforts will be minimized to maximize the focus on direct lead generation. Earned media will be leveraged to maximize reach and complement paid marketing efforts.

Event Hosting: This activity will maintain the financial commitment to events that gain San José significant exposure for public relations and notoriety to promote these events to out-of-town visitors, thereby generating room nights for the assessed businesses.

### **SJHBID Boundaries and Zones of Service**

The map outlining the SJHBID area and three zones of benefit is included in the Management District Plan. The boundaries are based on proximity to the San José McEnery Convention Center, the San José Mineta International Airport, and the City limits.

During the 10-year term, the assessment rate in each zone may be increased by the SJHI Board of Directors by a maximum of \$1.50 per paid occupied room per night. The maximum increase in any year is \$0.50 in each zone. The table below provides the assessment rates for each benefit zone. The SJHI Board of Directors is not recommending any increase in assessment rates for FY 2024-2025.

<b>Zone</b>	<b>Initial Assessment Rate</b>	<b>Maximum Assessment Rate</b>
A: Within one mile of the San José McEnery Convention Center	\$2.50	\$4.00
B: Within one and one-half miles of the San José Mineta International Airport	\$1.25	\$2.75
C: Over one mile from the San José McEnery Convention Center and over one and one-half miles from the San José Mineta International Airport	\$1.00	\$2.50

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

The **attached** Annual Report by SJHI sets the budget and proposed assessments for FY 2024-2025 and is consistent with the approved San José HBID Management District Plan.

### **COST SUMMARY/IMPLICATIONS**

Impacts of the Annual Report of the SJHBID was factored into the development of the FY 2024-2025 Proposed Operating Budget. Per the Management District Plan, the City's General Fund will receive a fee of one percent of the assessments collected to cover its costs of collecting the assessments from the hotels or a flat fee of \$25,000, whichever is greater each year, with the minimum guaranteed administration fee of \$25,000 adjusted annually for inflation if the cost of living in the City has increased over the preceding base period as shown by the Consumer Price Index. However, in no event shall the adjustment exceed three percent per year. Additionally, because the SJHBID programs are intended to increase tourism in the City, there may be a resultant increase in transient occupancy tax and sales tax collections. As SJHBID assessments are restricted for use exclusively by the SJHBID, the allocation of net assessments will continue to be administered through the Business Improvement District Fund. The FY 2024-2025 Proposed Operating Budget, subject to City Council approval, includes projected assessment revenue and corresponding expenses of \$3,005,140, as detailed in the Source and Use Statement for the Business Improvement District Fund (351). This recommended action is consistent with the Economic Recovery Strategy of the City Council-approved Budget Strategy.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the City Clerk's Office, the City Manager's Budget Office, the Finance Department, the SJHBID, and Team San José.

HONORABLE MAYOR AND CITY COUNCIL

May 10, 2024

**Subject: Approval of the San José Hotel Business Improvement District Annual Report for Fiscal Year 2024-2025**

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### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 4, 2024 City Council meeting. The Annual Report is filed in the City Clerk's Office for public review and will also be made available to the business owners within the district upon request. Finally, SJHI's board of directors approved the fiscal year budget at its publicly noticed and held meeting on April 4, 2024.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

NANCI KLEIN

Director of Economic Development and  
Cultural Affairs

For questions, please contact Sal Alvarez, Executive Analyst, at (408) 793-6943 or [salvador.alvarez@sanjoseca.gov](mailto:salvador.alvarez@sanjoseca.gov).

**ATTACHMENT:** San José Hotels, Inc. Annual Report Fiscal Year 2024-2025



ANNUAL REPORT  
FISCAL YEAR 2024-2025

April 4, 2024

## **1. Hotel Business Improvement District**

Developed by San Jose lodging businesses, San Jose Hotels Inc. (SJHI), and Team San Jose (TSJ), the San Jose Hotel Business Improvement District (SJHBID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destinations throughout the country to provide the benefit of additional room night sales directly to payors.

The annual assessment rate for lodging businesses with eighty (80) rooms or more is a fixed dollar amount per paid occupied room per night and location of the property within the City of San Jose. No changes are proposed to the district's boundaries, benefit zones, or classifications of businesses within the district.

## **2. Improvements and Activities to be provided in FY 2024 – 25**

The usage of funds by the SJHBID will remain focused on sales, marketing and public relations activities geared towards promoting travel and room night sales to the hotels paying assessments within the district. As a new normal continues to emerge for the tourism landscape following the COVID pandemic, the SJHBID will continue to focus on recovery of the hotel economy.

The following activities have been approved for this fiscal year by the SJHI Board of Directors:

### **Sales, Marketing and PR Activities:**

#### **Tradeshows & Events**

- Leverage the fully deployed Sales team to execute a robust tradeshow and customer event engagement strategy.
- With deployment in Midwest and East coast, will continue efforts to diversify customer base on a national level. Will continue to identify emergent industries like AI and biotech for new client opportunities.
- Will mix key industry tradeshows with direct sales efforts like sales missions, client events and familiarization tours.
- Will continue to coordination with local hotel community and convention center to address need periods within the calendar through proactive sales efforts.

- Maximize opportunities for hotel partner participation with TSJ sales staff.

### **Advertising and PR**

- Targeted efforts to amplify those of the sales team focusing on generating lead opportunities through primarily digital channels.
- Will also utilize funds to digitally target opportunities to drive direct transient bookings into hotels paying into the district.
- Will minimize larger destination branding efforts in order to maximize focus on direct lead generation.
- Leverage earned media to maximize reach and complement paid marketing efforts.

### **Housing**

- Will support providing complimentary group housing services to groups to better incentivize groups to choose San Jose

### **Event Hosting**

- Maintain financial commitment to events that gain San Jose significant exposure for PR and notoriety to promote these events to out-of-town visitors thereby generating room nights for the assessed businesses.

### **Event Sales Subsidies:**

#### **Event Sales Subsidies**

- SJHI Board will approve on a case-by-case basis sponsorship / subsidies for select group business opportunities that impact the City on a large scale to generate room nights for the assessed businesses.
- Subsidies will be utilized for activities such as: offsetting costs within the destination, payment of bid fees, incentives, or other costs associated with bringing large-scale events to the destination that generate room nights for the assessed businesses.
- Subsidies may also be utilized to provide free housing services through Team San Jose at no cost to the client to incentivize events to locate in San Jose and generate room nights.
- Subsidies may also be utilized to provide branding services that expand the clients' presence within San Jose to incentivize events to locate in the city and generate room nights.



### **Administrative Expenses:**

#### **Administrative Expenses**

- The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.
- Restructuring of administrative fees to account for increases in cost of staffing and to eliminate the hotel partnership program fees while maintaining levels of services.

#### **City Administration Fee**

- Per the Management District Plan the City shall retain 1% of the collections as an administrative fee for its costs in collecting the SJHBID assessment.

### **3. Estimate of Costs for Improvements and Activities in FY 2024-25**

The following is the total proposed expenses allocations for this fiscal year compared to the approved budget for FY 2023-24:

#### **SJHI FY 2024-25 Topline Budget vs FY 2023-24**

	<b>FY 2024-25</b>	<b>FY 2023-24</b>
<b>Total Collections</b>	<b>\$ 3,005,140</b>	<b>\$ 2,861,164</b>
<b>Sponsorship</b>	<b>\$ 1,162,634</b>	<b>\$ 1,230,552</b>
<b>Marketing Expenses</b>		
<b>Total Marketing Expenses</b>	<b>\$ 1,450,000</b>	<b>\$ 1,450,000</b>
<b>Administrative Expenses</b>		
<b>Total Administrative Expenses</b>	<b>\$ 362,455</b>	<b>\$ 152,000</b>
<b>City Fee</b>	<b>\$ 30,051</b>	<b>\$ 28,612</b>
<b>Total Expenditures</b>	<b>\$ 3,005,140</b>	<b>\$ 2,861,164</b>

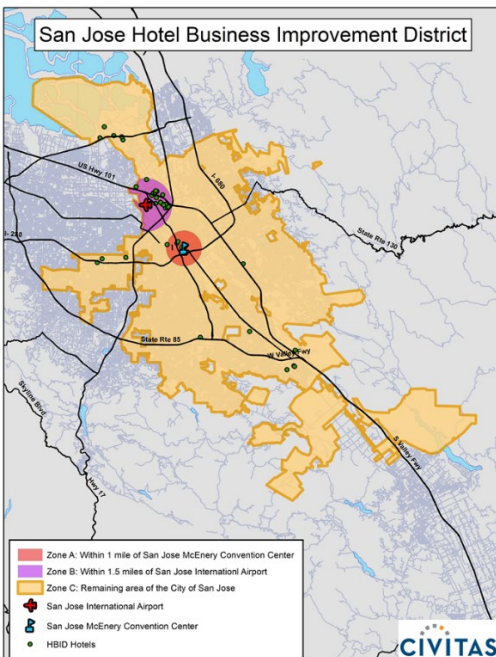
And the following chart provides a breakdown of the Marketing allocations – the exact distribution is still being finalized:

Proposed Marketing Allocations	FY 2024-25
Tradeshows & Client Events	670,000
Advertising and PR	670,000
Housing	60,000
Event Hosting	50,000
Total	1,450,000

#### 4. Method and Basis for Levying FY 2024-25 Assessments

The annual assessment rate is a fixed dollar amount per paid occupied room per night as shown in the following table. During the ten (10) year term, the assessment rate in each zone may be increased by the SJHI Board by a maximum of \$1.50 per paid occupied room per night. The maximum increase in any year shall be \$0.50 in each zone. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any federal or state officer or employee when on official business; and stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

Zone	Initial Assessment Rate	Maximum Assessment Rate
A: Within one (1) mile of the San Jose McEnery Convention Center	\$2.50	\$4.00
B: Within one and one-half (1.5) miles of the San Jose International Airport	\$1.25	\$2.75
C: Over one (1) mile from the San Jose McEnery Convention Center and over one and one-half (1.5) miles from the San Jose International Airport	\$1.00	\$2.50



The assessment is levied upon and a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the "SJHBID Assessment." The assessment is imposed solely upon, and is the sole obligation of, the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

#### **5. Amount of Surplus Revenue to be carried over for previous fiscal year**

The SJHBID maintains a fund balance year-over-year within the allocations for Event Sales Subsidies on an ongoing basis. The projected uncommitted year end fund balance for FY 2023-24 is \$4,300,000. The funds may be utilized to incentivize additional group business into the destination to generate hotel room nights for the assessed businesses, or may be diverted in direct sales, marketing, and public relations activities to promote travel and tourism into San Jose and directly generate room nights in the assessed businesses.

#### **6. Contributions from Non-Assessment Revenue**

The SJHBID does not receive any additional contributions from non-assessment revenues.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) APPROVING THE SAN JOSE HOTEL BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT PREPARED BY SAN JOSE HOTELS, INC. FOR FISCAL YEAR 2024-2025 AS FILED OR MODIFIED BY COUNCIL; AND (2) CONFIRMING THE SAN JOSE HOTEL BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS AS PROPOSED BY SAN JOSE HOTELS, INC., OR AS MODIFIED BY COUNCIL**

**WHEREAS**, in 2006, the Hotel Business Improvement District (“HBID”) was approved by property owners and adopted by the City Council of the City of San José (“City”) pursuant to Streets and Highways Code Section 36500 et seq, commonly referred to as the Property and Business Improvement Area Law of 1989 (“’89 Law”) to provide revenues for marketing efforts and event opportunities for hotels located in San José; and

**WHEREAS**, the ’89 Law required the HBID to be renewed annually, and, in an effort to implement long-range and larger-scale marketing and visitor attraction programs, on April 24, 2018 the City Council adopted Resolution No. 78561 establishing a new San José Hotel Business Improvement District (“SJHBID”) pursuant to Streets and Highways Code Section 36600 et. seq., commonly referred to as the Property and Business Improvement Area Law of 1994 (“’94 Law”) for a five-year term beginning July 1, 2018 through June 30, 2023, and selected San José Hotels, Inc. (“SJHI”) as the Owners’ Association for the SJHBID to implement the Management District Plan; and

**WHEREAS**, on December 6, 2022, the City Council adopted Resolution No. 80806 and approved Ordinance No. 30856 renewing the SJHBID for an additional ten-year term beginning July 1, 2023 through June 30, 2033, and SJHI was selected to continue as the Owners’ Association for the SJHBID; and

**WHEREAS**, pursuant to the '94 Law, and in accordance with the agreement between the City and SJHI, SJHI has submitted the *San José Hotel Business Improvement District Annual Report for Fiscal Year 2024-25* ("Annual Report"), dated April 4, 2024, to the City Council; and

**WHEREAS**, the annual assessment rate is a fixed dollar amount per paid occupied room per night in three benefit zones identified in the Management District Plan, and during the ten-year term, the assessment rate in each zone may be increased by the SJHI Board of Directors by no more than a maximum of \$1.50 per paid occupied room per night, and no more than \$0.50 in any year; and

**WHEREAS**, the SJHI Board of Directors does not recommend any changes to the SJHBID boundaries, benefit zones, or assessment rates for Fiscal Year 2024-2025; and

**WHEREAS**, the total budgeted revenue based on projected collections for Fiscal Year 2024-2025 will be approximately \$3,005,140;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025, as filed or modified by the Council, is approved.
2. The San José Hotel Business Improvement District assessments as proposed by San José Hotels, Inc. for Fiscal Year 2024-2025, or as modified by the Council, are confirmed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

ORDINANCE NO.

**AN UNCODIFIED ORDINANCE OF THE CITY OF  
SAN JOSE (1) APPROVING THE SAN JOSE HOTEL  
BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT  
PREPARED BY SAN JOSE HOTELS, INC. FOR FISCAL  
YEAR 2024-2025 AS FILED OR MODIFIED BY COUNCIL;  
AND (2) CONFIRMING THE SAN JOSE HOTEL BUSINESS  
IMPROVEMENT DISTRICT ASSESSMENTS AS  
PROPOSED BY SAN JOSE HOTELS, INC., OR AS  
MODIFIED BY COUNCIL**

**WHEREAS**, on June 4, 2024, the City Council of the City of San José adopted a resolution approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025, as filed or modified by the City Council, and confirming the San José Hotel Business Improvement District assessments as proposed by San José Hotels, Inc., or as modified by Council; and

**WHEREAS**, on April 4, 2008, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP08-048;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The City Council hereby approves the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc., as filed or modified by the Council, and confirms the San José Hotel Business Improvement District assessments, as proposed by San José Hotels, Inc. or as modified by the Council, for Fiscal Year 2024-2025 specified in Resolution No. \_\_\_\_\_ adopted on June 4, 2024.

SECTION 2. The San José Hotel Business Improvement District assessments specified in Resolution No. \_\_\_\_\_ and this Ordinance are assessments imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

SECTION 3. The provisions of this Ordinance shall take effect retroactive to July 1, 2024.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk