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Admission-based events policy in city parks: one year later

In 2007, the Denver Department of Parks and Recreation initiated a study regarding admission-based events (ABE) in the city's parks. ABEs are functions for which private entities obtain a permit from the Parks Department in order to charge admission to an event held at certain designated parks around the city. In September 2010, after two years of researching the benefits and consequences of the program, soliciting opinions from the community, hosting public discussions, and studying similar policies from other cities, the department's advisory board recommended, and city officials enacted, a plan to allow ABEs in certain of the city's parks.

The Parks Department's ABE policy addresses three pertinent issues related to commercial real estate in the city. First, the implementation of the ABE policy has the potential to alter/increase the value of commercial real estate in Denver by allowing for larger, commercial events – run by private, commercial entities – to be held in the city's parks. At a minimum, it will financially affect surrounding commercial areas in the downtown area. Second, the policy will allow commercial entities access to previously restricted spaces in key high-traffic areas of Denver – the parks – to hold events that generate public resources and private profits. Third, ABEs connect public and commercial space in new ways: They allow for commercial use of the parks, strengthen the relationship between commercial and public entities, and merge public and private land usage.

To reduce the potential harmful effects of the ABE policy, the department adopted several practical limitations for ABEs, including the following: 1) Only 10 of the city's approximately 200 parks are permitted to hold festivals, while only four parks are permitted to be



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used as event facilities, and five are permitted for special occasions; 2) No more than four days (including set-up and tear-down time) within a 30-day period shall be allowed for ABEs in a given park; 3) No more than

one ABE can be held in a given park at one time; 4) Five days must separate any single-day ABE from the next, and 12 days must separate any two-day ABE from the next ABE in a given park; 5) Attendance at an ABE must either be a maximum of 7,500 people or the maximum carrying capacity of the site, whichever is less; 6) ABEs cannot occupy more than 20 percent of a contiguous area or five contiguous acres in a park, whichever is less; 7) Any party that receives an ABE permit will not be allowed to obtain another for 12 days; and 8) Parties seeking to hold an ABE must pay increased permit fees, accompanying charges and seat taxes for each event they hold.

Despite the Parks Department's practical limitations, controversy continues to surround the ABE policy. Supporters of ABEs see the policy as a much-needed revenue stream for the department as well as a way to optimize park use and activate the city's public spaces. Opponents argue, however, that by implementing the ABE policy, the department put commercial and business interests ahead of the public right to access as well as the welfare of parks and surrounding communities, and did so in a way that violates the city's charter.

Those in favor of ABEs see the



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permit fees, charges and seat taxes generated by the events as an essential benefit to the city and the department. The revenue from the events provides a much-needed and previously untapped source of

funding in today's tough economy. Proponents argue that revenue from ABEs will allow the department to maintain and improve the city's public spaces. As former Department Manager Chantal Unfug wrote in 2010, "These events would also be responsible for paying Denver's required seat tax, and the policy requires additional funds be directed to DPR for improvement specific to the park where the event takes place. As the current economic climate lingers, this policy would provide another way for DPR to continue maintaining our renowned park system."

In addition to the revenue boost, policy proponents maintain that ABEs are an important way to make best use of the city's parks. By allowing screenings, festivals, concerts, charity gatherings and other cultural events, the department can attract more people to the city's parks, draw cultural events to Denver, and increase collaboration between civic and business interests and the park-going population.

For ABE opponents, the department's policy is undemocratic and cannot be allowed without changing the city's charter via an election and a vote of the electors. In their view, the policy strips the public of its right to enjoy land it owns free of charge at all times, and it

violates Section 2.4.5 of Subtitle B of the city's charter, which limits the city's ability to lease park space. They contend that in this economy, a city that has a growing population should not limit its finite public space by excluding those who cannot afford to attend ABEs. Opponents assert that citizens of all income levels should have access to all parts of their parks, and that any commercial ABE use is inconsistent with the purpose of public parks.

In addition to the consequences for Denver's population, ABE opponents are concerned with the environmental and disruptive impact that the events have on the city's parks. While the ABE policy limits the percentage and acreage of parks that can be used for events, opponents charge that the actual disruptive effect should be taken into account as open space is interrupted, quiet and calm are disturbed, tranquility is upset and the setting is blighted by commercial activity. The transportation and operation of equipment, goods and temporary infrastructure detract from the park's natural beauty. Additionally, they emphasize that ABEs strain surrounding communities by causing traffic congestion and parking overflow as well as occupying law enforcement, park officials and other city resources.

Despite the protracted discussions, the department's permitting office stated that not one ABE permit application has been submitted since the policy's inception. As the ABE policy enters its second year, the department should release any statistical information on the impact of the program so both sides can see its full effect. Hopefully, as the Parks Department begins to receive applications and administer the program, it will continue to balance the concerns of both sides in order to do the greatest good for all.▲