



DATE: February 25, 2020

CATEGORY: Consent

DEPT.: Community Services

TITLE: **Approve Special Event Permit, Street Closure, and Sound Amplification for the Annual A La Carte and Art Festival**

RECOMMENDATION

1. Approve a Special Events Permit for the Chamber of Commerce A La Carte and Art Festival on Saturday, May 2, 2020, through Monday, May 4, 2020, with a condition prohibiting animals within the event area pursuant to Mountain View City Code Section 5.9.
2. Adopt a Resolution to Approve the Closure of Certain Streets in the Downtown Area on Saturday, May 2, 2020, at 2:00 a.m. until Monday, May 4, 2020, at 2:00 a.m. for the Chamber of Commerce A La Carte and Art Festival, to be read in title only, further reading waived (Attachment 1 to the Council report).
3. Approve a Sound Amplification Permit for the operation of sound amplification devices by the applicant between 10:00 a.m. and 6:00 p.m. on Saturday, May 2, 2020, and Sunday, May 3, 2020, within the event area, under conditions as specified, and finding that the permit will not be a nuisance and will not be detrimental to the public peace, comfort, safety, or general welfare.

BACKGROUND

The A La Carte and Art Festival is an annual event and has taken place in the downtown area for 23 years. Over the course of those years, the applicant was the Central Business Association (CBA). Due to management changes, the CBA requested the Mountain View Chamber of Commerce take over the operation of the event and, therefore, the applicant for this year's A La Carte and Art Festival is the Mountain View Chamber of Commerce (Attachment 2—Special Event Application). The Mountain View Chamber of Commerce produces other successful events in the downtown area, including the Art and Wine Festival and Oktoberfest. As in years past, the applicant is requesting adding a condition to the permit prohibiting animals within the event area pursuant to Mountain View City Code Section 5.9.

In addition to the change of applicant, changes are being requested to the event footprint. The requested event area is on Castro Street from Villa Street to Yosemite Avenue, a one-block move from previous years where the event was on Castro Street from Evelyn Avenue to Church Street.

ANALYSIS

The new proposed event footprint and associated street closures have been reviewed by the City's Police and Traffic staff (Attachment 3 – Traffic Control Plan). Should Council approve the proposed street closures as set forth in Attachment 1, arrangements will be made on Church Street, 50 yards before Hope Street to 40 yards before Franklin Street, for driveway access to be kept open and accessible at all times for the business and residential complexes at 599, 605, and 650 Castro Street.

The Mountain View Chamber of Commerce prepared a public notification letter related to the requested street closure for the event and has distributed notification to residents and businesses within 300' of the event location (Attachment 4 – Public Noticing Letter).

The nature of this event necessitates a Special Events Permit pursuant to Council Policy K-14. The Chamber of Commerce has requested a condition be added to the permit to prohibit animals within the festival area pursuant to Mountain View City Code Sec. 5.9. Council Policy K-14 states new and/or first-time, special-event requests shall be approved by the City Council but recurring similar events can be approved administratively. Because this event differs from previous years and includes a new applicant and street closures, staff is bringing the Special Events Permit application to the City Council for approval. If approved, future Mountain View Chamber of Commerce A La Carte and Art Festivals that have the same applicant and similar size and scope would be processed administratively without coming to Council.

There will be live, amplified entertainment at various times, necessitating a Sound Amplification Permit pursuant to Mountain View City Code Section 3.17(2), subject to conditions listed herein. The Sound Amplification Permit must be approved by the City Council concurrently with the Special Events Permit because it is connected with the closure of public streets and requires City Council finding that the Sound Amplification Permit will not be a nuisance and will not be detrimental to the public peace, comfort, safety, or general welfare.

Conditions of Permit Issuance

Violation of any of the conditions listed herein will result in the revocation of the Sound Amplification Permit and cessation of the event.

1. The event sponsor will be charged fees based on actual costs incurred by all City departments, plus a 5 percent administration fee.
2. Applicant shall arrange for insurance, as required by the City, specifically a Certificate of Insurance and an endorsement naming the City, its officers, officials, employees, and volunteers as additional insured in a minimum amount of Two Million Dollars (\$2,000,000) per occurrence with an aggregate of Four Million Dollars (\$4,000,000), and including Liquor Liability. It is understood and agreed that the applicant, its agents, employees, or officers assumes all risks and agrees to defend, indemnify, and hold the City of Mountain View, its officers, agents, and employees harmless from any liability for damage or claims of same, including, but not limited to, personal injury, property damage, and death, and cost or expense which may arise from the alleged willful or negligent acts or omissions of applicant, its officers, agents, or employees in connection with the permitted event activities.
3. Applicant will publicize "No Segway Use" on all promotional material and post "No Segway Use" signs at the event.
4. The location of any sound amplification device(s) shall be stationary and confined to a predesigned location within the festival area. This location shall be approved by the City in advance of the event.
5. Sound amplification shall be restricted to the hours of 10:00 a.m. to 6:00 p.m. on Saturday, May 2, and Sunday, May 3, 2020.
6. Decibel level of the amplification shall be subject to reduction upon the request of any Police Officer.
7. Applicant will be required to secure an Alcoholic Beverage Control License and provide proof to the City prior to commencement of the event.
8. Persons within the festival area are exempt from Mountain View City Code Section 21.70, prohibiting alcohol consumption in public spaces.

9. Tickets for alcoholic beverages will be sold until one-half hour prior to the close of the event each day; alcohol service will cease 15 minutes prior to the close of the event each day.
10. Wristbands will be required for age verification of attendees 21 years of age or older consuming alcohol within the event area.
11. Applicant shall pay vendors for rental of public toilets, traffic control devices, including, by way of example, but not limited to, cones, barricades, k-rails, etc., as deemed necessary by the City.
12. Applicant and vendors shall comply with the City's Polystyrene Foam Food Service Ware Ordinance. No food provider shall dispense prepared food or beverage using polystyrene foam food service ware, whether provided for a charge or no charge, including complimentary samplings and tastings. For additional requirements and information, visit www.MVrecycle.org.
13. Applicant and vendor shall comply with the City's Reusable Bag Ordinance. No vendor shall provide thin plastic carry-out bags (less than 2.25-mil thick) for customer purchases. Vendors must charge a minimum of Ten Cents (\$0.10) for each recycled paper, cloth, or plastic carry-out bag (2.25-mil or thicker) for customer purchases. For additional requirements and information, visit www.MVrecycle.org.
14. Applicant shall provide for sufficient garbage, recycling, and composting services, as determined by the City Solid Waste and Recycling Section, to manage the waste generated by vendors and the public. All services are to be provided by the City's exclusive hauler, Recology. The applicant pays for garbage and composting service, and the City provides recycling at no charge unless containers are contaminated.
15. Applicant shall follow these procedures in setting up and managing the wastes produced by vendors and the public.
16. Applicant shall provide and review all City-provided garbage and recycling procedures with vendors, volunteers, and employees.
17. Applicant shall provide a first-aid station within the festival area that is staffed with trained personnel and is easily accessed by emergency services.

For all events on City streets with an estimated attendance of 2,500 or more people, the City of Mountain Fire Department strongly recommends that an advanced life support medical team consisting of Santa Clara County accredited personnel (one paramedic and one emergency medical technician) be retained and available on-site throughout the duration of the event. Per National Fire Prevention Association (NFPA) standards, it is recommended that a two-person advanced life support medical team be available for every 2,500 people in attendance. Mountain View Fire Department may be secured to provide this service. In addition, the event organizer shall provide a 10'x10' canopy, an 8' table, four chairs, and may supply sunblock and bandages that can be distributed to event attendees, as those are supplies commonly requested by attendees.

18. Applicant shall provide for proctors and monitors to facilitate order at the event. Such proctors will be responsible for providing services deemed necessary by the City, including, by way of example, but not limited to, monitoring parking areas and establishing a central command center, lost-and-found stations, lost-children stations, etc.
19. Applicant shall provide space within the festival area for any group which may wish to exercise First Amendment-protected rights.
20. Applicant shall follow all legal directions requested by any Police Officer, including the temporary or complete cessation of any or all components of the event if, in the Police Officer's judgment, the cessation is necessary to ensure the public safety.
21. Applicant shall post detour signs directing motorists around street closures.
22. Applicant shall notify all vendors of County standards for fire prevention for festival event and cooking booths. Documents can be found online at www.unidocs.org.
23. Applicant shall provide the Police Department and Fire Department with a copy of the conditions and policies given to all vendors.
24. Applicant shall require that all food vendors protect the street from spills with a nonslip surface. Cardboard and tarps will not be permitted.
25. Applicant shall provide an updated map and matrix to the City identifying each food booth, generator, and tent location three weeks prior to the event.

26. Applicant will provide booths that comply with fire safety regulations for all food vendors.
27. All vendors will be notified that only the use of diesel and/or energy unit (EU) generators will be allowed at the festival. Refueling during the event will not be permitted, and no additional fuel may be stored on-site. If a vendor anticipates the need to refuel, they must bring an additional generator.
28. Applicant will notify vendors of approved locations to access water and electricity.
29. Applicant must talk with the primary Mountain View Police Officer on duty prior to leaving the event.

FISCAL IMPACT

The total approximate cost for Police, Fire, Streets, Solid Waste Recycling, Community Services, and a 5 percent administration fee is \$29,000, to be paid entirely by the applicant.

ALTERNATIVES

1. Do not approve the event or specific components of the event.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting. Notice will be delivered by hand or mailed to all affected businesses and residents.

Prepared by:

Michele Petersen
Recreation Supervisor

Kristine Crosby
Recreation Manager

Approved by:

John R. Marchant
Community Services Director

Audrey Seymour Ramberg
Assistant City Manager/
Chief Operating Officer

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- Attachments:
1. Resolution
 2. Special Event Application
 3. Traffic Control Plan
 4. Public Noticing Letter