



DATE: April 9, 2019

CATEGORY: Consent

DEPT.: Community Services

TITLE: **Street Closure, Sound Amplification, and Festival Area Designation for the German International School of Silicon Valley German Holiday Market**

RECOMMENDATION

1. Adopt a Resolution to Approve the Closure of Certain Streets in the Downtown Area on Saturday, December 14, 2019, at 3:00 a.m. until Sunday, December 15, 2019, at 1:00 a.m. for the German International School of Silicon Valley German Holiday Market, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Approve the operation of a sound amplification device by the applicant between 11:00 a.m. and 9:00 p.m., Saturday, December 14, 2019, within the event area, under conditions as specified.

BACKGROUND

The German Holiday Market is an annual event hosted by the German International School of Silicon Valley (GISSV) and has occurred in the downtown since 2013, utilizing the same footprint since 2014. Due to the success of the event and the number of people attending the event, the applicant is looking to expand its current footprint, which includes Civic Center Plaza, Mercy Street from Bryant Street to Castro Street, and portions of Pioneer Park to include Castro Street from California Street to Church Street. This will allow for a significant increase in space for the vendors to set up and create a better flow for the event.

ANALYSIS

Following the 2018 German Market event, City staff met with the event organizers from GISSV to complete a post-event review. City staff conveyed concerns, including feedback from the Police Department, to the event organizers related to crowd control. Suggestions were made to modify the event space in the future years to expand the event area for better crowd control and to improve event safety. Based on the City's

input, GISSV has submitted a new event application that includes the additional street closures to provide an improved experience for attendees and to mitigate the concerns of crowd control (Attachment 2 – Special Event Application).

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, arrangements will be made to have controlled vehicle access to portions of the street closure between 555 and 599 Castro Street to minimize impacts to local residents and businesses.

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

The nature of this event necessitates an Event Permit pursuant to Council Policy K-14. There will be live, amplified entertainment at various times, necessitating a permit pursuant to City Code Section 3.17.2, subject to conditions listed herein. The Special Event 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. Since this event differs from previous years and includes expanded street closures, staff is bringing it to City Council for approval. If approved, future German International School of Silicon Valley German Holiday Markets that have similar size and scope would be processed administratively without coming to Council.

Conditions of Permit Issuance

Violation of any of the conditions listed herein will result in the revocation of permit authority by any Police Officer or authorized City representative 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 11:00 a.m. to 9:00 p.m. on Saturday, December 14, 2019.
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. Applicant shall pay for rental of public toilets, barricades, and traffic control devices as deemed necessary by the City.
11. 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.
12. Applicant and vendor shall comply with the City’s Reusable Bag Ordinance. No vendor shall provide thin plastic carryout 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 carryout bag (2.25 mil or thicker) for customer purchases. For additional requirements and information, visit www.MVrecycle.org.

13. 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.
14. Applicant shall follow these procedures in setting up and managing the wastes produced by vendors and the public.
15. Applicant shall provide and review all City-provided garbage and recycling procedures with vendors, volunteers, and employees.
16. 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, first-aid stations that are easily accessible to emergency services, lost-and-found stations, lost-children stations, etc.
17. Applicant shall provide space within the festival area for any group which may wish to exercise First Amendment-protected rights.
18. 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.
19. Applicant shall post detour signs directing motorists around the street closures.
20. 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.
21. Applicant shall provide the Police Department and Fire Department with a copy of the conditions and policies given to all vendors.

22. Applicant shall require that all food vendors protect the street from spills with a nonslip surface. Cardboard and tarps will not be permitted.
23. 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.
24. Applicant will provide booths that comply with fire safety regulations for all food vendors.
25. All vendors will be notified that only the use of diesel generators will be allowed at the festival.
26. Applicant will notify vendors of approved locations to access water and electricity.
27. Applicant must talk with the primary Mountain View Police Officer on duty prior to leaving the event.

FISCAL IMPACT

The total approximate cost for services provided by Police, Fire, Streets, and Community Services, plus a 5 percent administration fee, is \$10,000, to be paid entirely by the applicant.

ALTERNATIVES

1. Do not approve the closure of Castro Street from California Street to Church Street and require the event to be contained to the same footprint as 2018.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting and notice (Attachment 4 – Public Noticing Letter) will be delivered by hand or mailed to all affected businesses and residents.

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MP-KC/3/CAM
207-04-09-19CR
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- Attachments
1. Resolution
 2. Special Event Application
 3. Traffic Control Plan
 4. Public Noticing Letter