



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

Name of Event:	Summer Promenades
Date(s) of Event:	June 16, 23, July 7, 14, 21, 28, August 4, 2022
Time(s) of Event:	5:00 p.m. – 9:00 p.m.
Location(s) of Event:	N. Santa Cruz Ave between W. Main St. and Bachman Ave
Permittee:	Los Gatos Chamber of Commerce
Event Contact:	Randi Chen
Event Contact Phone:	408-858-1803

This Conditional Letter of Approval has been modified as of June 20, 2022 to reflect minor changes from the previously issued permit on June 16, 2022.

This is a letter of conditional approval for the above specified event, issued to the Permittee and/or the organization the Permittee represents, named above by the Town of Los Gatos based on the information the Permittee has disclosed in the special event application and any written or verbal conversations with Town staff regarding the event.

The purpose of the Conditional Letter of Approval is to grant the Permittee the approval to move forward with the planning and logistics of the event under the conditions stated in this document. The Town will issue the Special Event Permit to the Permittee after all conditions set forth in this Conditional Letter of Approval have been addressed to the satisfaction of the Town Manager or his/her designee. Given the non-Town agencies that may need to work with the Permittee on specific conditions, the issuance of the final Special Event Permit may not occur until just prior to the event. If a Permittee needs additional clarification for its work with vendors, non-Town agencies, etc., please contact the Special Events Staff for assistance. Once the Special Even Permit is issued, the Permittee will be authorized to execute the event.

The conditions included in this document may include but are not limited to; requirements with completion timelines concerning the time, place, scope of the event, required permits from other government agencies, vendor provisions, payment of applicable fees and deposits, and other provisions including but not limited to conditions to protect the safety of persons and property, provide for adequate traffic control, and regulate the sale and service of food and/or alcohol. Specific details regarding each of these conditions can be found in this letter.

ADDITIONAL CONDITIONS MAY ARISE AFTER THE ISSUING OF THIS LETTER OF APPROVAL AS THE PLANNING OF THE EVENT PROGRESSES, THESE CONDITIONS WILL BE COMMUNICATED TO THE PERMITTEE AND ADDED TO THE FINAL SPECIAL EVENT PERMIT.

The Permittee must abide by all applicable conditions listed below. Failure to comply with all conditions, or any violation of law prior to the event will result in the denial of the Special Event Permit and therefore immediate cancellation of the event and possibly denial of future events, fines, and/or criminal prosecution. If during the planning of the approved event, the scope, intensity, location, type, or size of event deviates significantly from the description provided on the special event application this Conditional Letter of Approval will no longer be valid and the Permittee will need to submit a new application to reflect



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

the deviation. The Town Manager, Chief of Police and/or the Director of Parks & Public Works and/or Streets & Parks Superintendent has the right at any time to revoke permission for an event and no rebates or refunds of fees will be made because of such termination. The Permittee or the organization they represent must pay all costs associated with a permitted event.

I. STANDARD CONDITIONAL REQUIREMENTS:

- 1) Permittee shall obtain all required permits and submit copies of these permits to the Town Events Specialist prior to the event which may include but are not limited to; ABC permit, Banner permit, Fire permit(s), Parks Use permit and Environmental Health permit(s). A copy of each permit must be kept on file at the event.
- 2) Permittee or designated person shall be on-site at the event at all times to ensure compliance with the special event permit conditions.
- 3) Permittee shall ensure cleanliness of the event and surrounding area throughout the event by providing adequate trash and recycling receptacles and must submit a clean-up plan for large scale events. The Permittee understands that he/she or their organization may be billed for cleanup costs incurred by the Town if cleanup is not performed adequately, and/or future applications for a Special Event Permit and/or Special Use Permit may be denied.
- 4) Permittee shall provide a safe environment for event attendees as determined by the Santa Clara County Fire Department, Department of Environmental Health and Safety and/or the Los Gatos Monte Sereno (LGMS) Police Department.
- 5) Permittee shall submit a hold harmless agreement which shall indemnify and hold harmless the Town of Los Gatos for any and all claims regarding the above-named event. The Permittee agrees to protect, defend, and hold harmless the Town of Los Gatos, its elective or appointed boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property. This applies to the Permittee, Permittee's agents, officers, or employees, subcontractors, or independent contractors hired by Permittee. This hold harmless agreement shall apply to all liability, regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Permittee. The person signing this Special Event Permit declares that he/she has the authority to bind the Permittee, and that Permittee is bound by all terms of this Special Event Permit. In the event that the signatory lacks such duly granted authority, said undersigned signatory personally assumes all liability for fees, costs and damages. The Permittee further agrees to repay the Town for any and all incurred costs; damage and clean-up to parks, streets, facilities, buildings or other property owned by the Town which results from the above-named event. The Permittee agrees to comply with these permit issuance conditions and any other requirements of the Town of Los Gatos.
- 6) Permittee shall obtain Town approved insurance. Permittee shall maintain comprehensive general liability insurance (including coverage for damages to rented property) with policy limits of at least \$1,000,000 per occurrence. For general liability insurance policies, Permittee agrees to the following terms and shall provide Town with a separate endorsement which states that the policy contains the following language:
 - a) The Town, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds; and,



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

- b) The insurer waives the right of subrogation (the right of recovery against others) against Town elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers; and,
- c) The insurance shall be primary non-contributing. If alcohol will be served or sold, host liquor liability must be stated within the insurance policy. Permittee shall maintain Workers' Compensation Insurance, as required by law. Permittee shall maintain Automobile Insurance, as required by law. No policy shall be canceled or materially changed except after thirty (30) days' notice by the insurer to Town.

II. SPECIFIC CONDITIONS RELATED TO THIS EVENT

1) ARPA GRANT FUNDS

- a) On Tuesday, February 15, 2022, Town Council unanimously passed a motion to allocate up to \$120,000 of ARPA funds to the Los Gatos Chamber of Commerce (the Permittee) to produce a summer promenade series with the possibility of fewer events if there are limited Town staff resources and with the possibility of sponsorships. The payment terms and requirements of the grant are outlined in the attached agreement. All Town fees mentioned in this letter will be deducted from the approved grant funds following the payment and reimbursement terms outlined in the agreement.

2) PUBLIC NOTICE

- a) Permittee shall notify all residents and businesses in the list provided by the Town which includes the immediate areas and the Almond Grove area, at least two weeks prior to the event in the form of a letter, flyer or other form of documentation. A copy of this notification must be submitted to the Town for approval prior to its distribution.
- b) The Permittee shall obtain a banner permit(s) from the Town for each temporary banner placed in Town prior to placing the banner(s). The banner(s) shall only be placed in the approved locations. Per the Los Gatos Municipal Code, no more than three banners may be used per event.

3) EVENT AREA USE PARAMETERS

- a) The Permittee shall have use of the following areas under the following use times, for the purposes of this permit:
 - i) N. Santa Cruz Ave between Main St. and Bachman Ave.
 - (1) Event dates and hours are permitted for Thursday, June 16, 23, July 7, 14, 21, 28, August 4 from 5:00 p.m. – 9:00 p.m.
 - (2) Event set-up may begin at 2:00 p.m. and event tear-down must conclude before 10:30 p.m. on the same day. The street re-opening time of 10:30 p.m. is designed to provide the Permittee with a maximum of 1.5 hours to tear-down event equipment. However, the Permittee shall make every effort to clear crowds and remove pedestrians off the street at the immediate conclusion of event programming at 9:00 p.m.
 - (3) There shall be no programming on the N. Santa Cruz Ave within 50 feet from the main closure points of Main St. and Bachman Ave.



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

- (4) Band equipment may be placed on the street spanning the roadway, as shown on the event site map, per the approval of the Santa Clara County Fire Department (SCCFD). No stages or other similar structures may be used for the band unless they provide a 20' clearance for emergency vehicles to enter and exit the roadways, per SCCFD's requirements.
 - ii) Town Plaza Park
 - (1) The Permittee may use Town Plaza Park on the permitted event dates for no more than two consecutive hours, solely for the purposes of "yoga in the park." No additional event programming outside of that is permitted unless otherwise approved by the Town ahead of time.
 - (2) Alcohol sales or service are prohibited in Town Plaza Park.
 - (3) The Permittee is required to pay the \$55 parks use fee as noted in the 2021/2022 Town of Los Gatos comprehensive fee schedule for the hours of use.
 - iii) Municipal Lot 4 & Street Parking
 - (1) The Permittee may use four spaces in municipal parking lot 4 for the location of portable restrooms with an approved encroachment permit from the Town of Los Gatos.
 - (2) The Permittee may have use of six public street parking spaces located on N. Santa Cruz Ave. and Bachman Ave. from 1:00 p.m. – 10:30 p.m. for sound technician vehicles.
 - b) The Permittee shall be allowed to use amplified sound in the form of music until 9:00 p.m. but must comply with all noise level ordinances. However, if the Town receives complaints from the public the ending time of the music may be adjusted during the event series to address these complaints.
 - c) No event equipment may be placed on any open, public roadways during set-up without prior consent from the Town.
 - d) Permittee must remove all event equipment from the entire event area immediately following the event to allow for N. Santa Cruz Ave to re-open to through traffic no later than 10:30 p.m. on the evening of the event(s).
 - e) If any portion of the event is outside of the permitted areas or times it may result in termination of the event in those non-permitted areas or the entire event.
- 4) TRAFFIC CONTROL
- a) The Permittee may commence the road closure of N. Santa Cruz no earlier than 2:00 p.m. and must re-open the street no later than 10:30 p.m. on each event date.
 - b) The Town shall provide the Permittee with a traffic control plan as part of the N. Santa Cruz closure packet. The Permittee shall be responsible for obtaining and paying uniform traffic control devices and a traffic control vendor to implement the closure and re-opening according to the provided traffic control plan.
 - c) Town staff shall utilize anti-vehicle barricades at the road closure points of Main St. and North Santa Cruz Ave and Bachman Ave. and North Santa Cruz Ave. The barricades will be managed and deployed by the Los Gatos Parks and Public Works Department and LGMSPD. The Permittee shall be required to pay for all Town staff time required for the use of the barricades.
 - d) Roads are to remain open and unobstructed until the scheduled closure time, and only after



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

traffic control devices are in place and the road is safely closed to through traffic.

- e) Permittee shall be responsible for posting all approved, Police-issued, "No Parking Signs," in all roadways and parking lots that will be closed to the public for the event no later than 72 hours prior to the use of the space. The Permittee must use "blue tape" or other non-permanent adhesive material or tie so as not to damage or leave adhesive residue upon the fixture the sign is attached. Permittee shall remove all signs within two days after the event.
- f) The Permittee shall be required to utilize two electronic message boards that should be in place a week before the event to notify the public of the upcoming road closure(s). The Town may supply these to the Permittee if the Town-owned boards are available at the time of the event. The Permittee may be required to reimburse the Town for staff time required to place the message boards.
- g) Permittee shall staff all roadway closures and allow access to emergency personnel when necessary. Drive through private property egress areas shall be blocked to prevent vehicular access to N. Santa Cruz. Private property egress areas must be monitored by event staff.
- h) S. Santa Cruz Ave. and W. Main St. shall remain open and unobstructed at all times.
- i) University Ave. and adjacent side streets shall remain open and accessible to and from all municipal parking lots.
- j) All private property driveways/parking lots not leading to N. Santa Cruz Ave. shall remain open and unobstructed.
- k) Permittee shall provide staff or volunteers to monitor all points of ingress and egress, throughout the event to ensure that all barricades and signage remain in place and un-altered.

5) SAFETY & SECURITY

- a) The Permittee will be required to utilize two Los Gatos-Monte Sereno Police officers for each event between the hours of 5:30 p.m. and 10:30 p.m.
- b) LGMSPD may also require the use of a Parking Control Officer while the road closure is occurring to ensure pedestrian and vehicle clearance for a safe and controlled closure. The Permittee shall be required to pay for all LGMSPD personnel charges.
- c) The Permittee must obtain a special event permit from the Santa Clara County Fire Department and comply with all Santa Clara County Fire Department's outdoor festivals and carnivals, and any other relevant standards and specifications.
- d) Fire hydrants shall remain accessible with adequate clearance from any vehicles, structures, tents, or other barricades.
- e) The Permittee shall have volunteers or other staff onsite for the duration of the event to help maintain crowd control and an orderly program.

6) FOOD & ALCOHOL

- a) Permittee is responsible for securing an ABC permit for the sales and service of alcohol, and for upholding the provisions set forth by ABC.
- b) Alcohol must be purchased and consumed within the event closure area only, in compliance with ABC rules and regulations.
- c) ABC permits must not be mingled between the event and businesses' onsite licenses. Businesses must adhere to the ABC provisions as they apply to their own establishment and "to-go" beverages purchased within restaurants may not be consumed within the event.



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

- d) Alcohol may only be dispensed to individual 21 years of age or older with a valid wristband.
- e) Alcohol must only be dispensed within approved designated dispensing locations associated with the approved ABC permit.
- f) All alcohol sales and service must cease at 8:00 p.m.
- g) Permittee must utilize paid staff to monitor ingress and egress points between the event closure area and non-event closure areas, consistent with the map provided.
- h) Permittee must provide an updated map to the Town no later than Tuesday, June 14, 2022, outlining the following:
 - i) Event perimeter with ingress and egress locations clearly marked that will be staffed
 - ii) Dispensing locations for alcoholic beverages and number of paid staff responsible for each location
 - iii) Identification check-point locations consistent with ABC requirements, wristband placement, and token exchange location; and, number of paid staff monitoring this function
 - iv) Placement of various signage noting the following:
 - (1) No outside alcohol permitted at the event, at ingress locations
 - (2) No alcohol beyond this point, at egress locations
 - (3) Alcohol available for purchase with drink tokens only
 - (4) Wristband required for purchase of alcohol
 - (5) Limit one alcoholic beverage per wristband, per purchase
- i) The color and/or design of the wristband must be different at each weekly event.
- j) Permittee and/or dispensing businesses must provide a designated beverage cup(s) that the alcohol is served in for each event. The cup(s) may change from week to week however an example or photo of the cup must be provided to the Town in advance of the event.
- k) All alcoholic beverages must be served in a cup.
- l) Designated cups must be branded or identified with the dispensing business' information, or with the Promenade logo.
- m) No glass cups or beverage containers are permitted within the event.
- n) No later than the Wednesday morning, prior to each Promenade event, Permittee must provide the Town with the following information for that week's event:
 - i) Updated event map if elements have changed from the prior submission
 - ii) Photo of designated wristband
 - iii) Photo of designated cup(s)
 - iv) List and location(s) of participating businesses or other entities dispensing the alcohol
 - v) Number of paid staff and their locations, if it varies from information previously submitted
- o) Permittee's paid staff must wear an identifiable item such as a shirt or vest that clearly indicates they are event staff with the Promenade. An image of this must be provided to the Town prior to the first event on June 16.
- p) The Permittee shall include educational language on their event marketing materials and website explaining the rules of alcohol consumption at the event.
- q) It is recommended that the Permittee works with the participating businesses before the event to explain the conditions of alcohol sales, service, and consumption at the event.
- r) The Permittee shall be responsible for training staff and volunteers prior to the event to identify individuals who have consumed an excessive amount of alcohol and may be a danger to themselves or other individuals and shall not allow that individual to purchase any additional



TOWN OF LOS GATOS
SUMMER PROMENADES
LETTER OF CONDITIONAL APPROVAL

alcohol. The Permittee shall escalate to the appropriate authorities if the situation deems necessary, to ensure the safety of the public and the Permittee.

7) HEALTH & CLEANINESS

- a) This Conditional Letter of Approval is being issued under the assumption that the event named in this letter will be permitted to occur on the requested event date under State and County orders. In accordance with Town Code Section Sec. 14.100.045. the Town reserves the right to change or revoke this conditional letter, and thus cancel the event, if new federal or local guidelines or requirements are issued that would prohibit this event, or environmental factors at the time of the event persist or worsen from the current condition and the event would jeopardize the health and safety of the public.
- b) The Permittee must comply with all COVID-19 Federal, State, and County Public Health Orders, requirements, restrictions, and guidance pertaining to the event program and activities. Failure to comply with these measures may result in fines, and/or immediate cancelation of the event(s) from State, County or Town officials. Information on current COVID-19 requirements can be found at www.covid19.sccgov.org/home and www.covid19.ca.gov/safer-economy.
- c) The Permittee shall clean the entire event space immediately following the event. A pre and post event evaluation of the entire event space will be performed to determine any necessary clean-up or repair costs. If any charges are incurred a report and invoice will be provided to the Permittee by the Town within 30 days of the event.
- d) The Permittee shall be responsible for providing additional trash and recycling receptacles to accommodate for the additional traffic. They must also be responsible for emptying all trash and recycle bins, including Town bins, in the event area and placing them into a dumpster provided by the Permittee.
- e) The Permittee must ensure the number of toilets is adequate for the number of anticipated attendees and meets all Department of Environmental Health standards to ensure no public urination or the unauthorized use of adjacent private property restrooms without prior approval from the property owner. If using private restrooms, the Permittee must submit this in writing in their plan and indicate that they have received approval from the business owner to direct attendees to use their private restrooms.

Permittee

Date

Laurel Prevetti, Town Manager

Date