

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 24-004 TO ALLOW THE SALE OF BEER AND WINE AT THE 2024 HERITAGE SQUARE PARK SUMMER CONCERT SERIES AND APPROVING A WAIVER OF FEES; APPLIED FOR BY THE ARROYO GRANDE ROTARY CLUB

WHEREAS, the 2024 Heritage Square Park Summer Concert Series (the “Event”) is a City program organized by the Recreation Services Department; and

WHEREAS, the Arroyo Grande Rotary Club (AGRC) have requested permission for the sale of beer and wine at the Event; and

WHEREAS, beer and wine sales organized by the AGRC during the 2018, 2019, 2021-2023 Events were successfully implemented; and

WHEREAS, the AGRC submitted a request to waive the \$405.30 application fee; and

WHEREAS, the purpose of the Temporary Use Permit is to ensure the Event is conducted in a manner that is compatible with the surrounding area; and

WHEREAS, members of the AGRC will be responsible for monitoring identification and consumption of alcoholic beverages during the Event; and

WHEREAS, it has been determined that this project is Categorically Exempt per Section 15304(e) of the CEQA Guidelines regarding minor temporary uses of land. Specifically, a Class 4 exemption, applies to minor public or private alterations in the condition of land, water, and/or vegetation where the project does not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. (State CEQA Guidelines, § 15304.) Further, none of the exceptions to the Class 4 exemptions set forth in State CEQA Guidelines section 15300.2 apply; and

WHEREAS, the City Council finds, after due study and deliberation, the following circumstances exist:

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Recitals. All recitals above are true, correct, and incorporated herein by reference.

Section 2. Findings. The City Council finds, in accordance with the requirements of Arroyo Grande Municipal Code section 16.16.090(E), after due study and

deliberation, the following circumstances exist:

Temporary Use Permit Findings:

1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The operation of the requested use at the location proposed and within the time periods specified will not jeopardize, endanger or constitute a menace because the AGRC will have trained personnel monitoring individuals purchasing and consuming alcohol to prevent disruptions to the public health, safety, or general welfare.

2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.

The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site due to the Event being monitored by AGRC personnel.

3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate.

The proposed site is adequately served by South Mason and Nelson Streets, which are of significant width and improvements to accommodate the kind and quantity of traffic that the temporary use will generate.

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on- site or at alternate locations acceptable to the City Council.

Adequate temporary parking to accommodate vehicular traffic to be generated is available because Heritage Park is located in a commercial district that has ample public parking for visitors.

Section 3. Temporary Permit Approval. The City Council of the City of Arroyo Grande hereby approves Temporary Use Permit 24-004, authorizing the sale of beer and wine at the 2024 Heritage Square Park Summer Concert Series as presented to the City Council on June 11, 2024, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

Section 4. Fee Waiver Approval. Based on the authority found in Resolution No. 3760, adopted July 13, 2004, the City Council of the City of Arroyo Grande hereby approves the fee waiver request for the Temporary Use Permit application processing fee.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 11th day of June 2024.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

**EXHIBIT " A "
CONDITIONS OF APPROVAL FOR
TEMPORARY USE PERMIT NO. 24-004**

This approval authorizes the sale of beer and wine from 11:00 AM – 4:00 PM on July 4, 2024, and from 1:00 – 3:00 PM for the remainder of the 2024 Heritage Square Park Summer Concert Series.

General Conditions

1. The Arroyo Grande Rotary Club (AGRC) shall ascertain and comply with all State, County and City requirements as are applicable to this project, specifically all Department of Alcoholic Beverage Control requirements.
2. The event shall occur in substantial conformance with the application and plans on file in the Community Development Department office.
3. The AGRC shall comply with all the conditions of the City Council Resolution adopted on June 11, 2024, approving temporary use permit no. 24-004.
4. To the extent permitted by law, Applicant shall defend, indemnify and hold harmless the City of Arroyo Grande, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The Applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City related to this permit or approval. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.
5. The AGRC shall monitor alcohol sales to ensure alcoholic beverages are served to responsibly behaving persons over the age of twenty-one (21). Volunteers shall be trained to check identification of all persons buying alcohol for verification that the purchaser is over the age of twenty-one (21).
6. Consumption of alcoholic beverages shall be limited to the Heritage Square Park lawn area, and AGRC shall monitor the lawn area to ensure no alcohol consumption occurs beyond the bounds. The playground area shall be excluded from the consumption area. Appropriate signage provided by the AGRC shall be posted outlining these rules and restrictions.
7. Requests to continue alcoholic beverage sales in future years shall be made through the Temporary Use Permit process.
8. The AGRC shall utilize an easily identifiable (i.e. colored or similar) glass for the sale of alcohol to help ensure attendees are not bringing their own alcoholic beverages.
9. The Staff Advisory Committee shall conduct a debriefing following the conclusion of the first few events to evaluate the success of the event.

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10. AGRC shall remit ten percent (10%) of gross revenue from beer and wine sales to the Recreation Services Department. AGRC shall remit the payment to the Recreation Services Department by December 31, 2024.

Public Works Department Conditions

11. The AGRC is responsible for providing trash bags, temporary cardboard trash receptacles, and enough restroom facilities to serve the event. Any supplies the Public Works Department may need to provide must be reimbursed by the AGRC. At the end of the event, AGRC shall place all trash bags near the sidewalk for City Public Works disposal and recycling.
12. The AGRC shall have an individual designated to periodically inspect the restrooms and areas around food vendors and waste containers. That individual shall be responsible for maintaining the cleanliness of these areas and gathering and disposing of all debris.
13. The AGRC shall reimburse the City for electrical costs associated with the event.
14. The AGRC shall reimburse the City for the costs of any Public Works staff services required for this event, including, but not limited to, restroom maintenance, trash, etc.
15. The AGRC shall remove any tape placed on streets, parking areas, and grass after the event.
16. The AGRC shall flag all sprinkler heads on turf and lawn areas to prevent damage. The AGRC shall reimburse the City for any damage to the irrigation system at the park.
17. The AGRC shall abide by all terms and conditions of the Park Use Permit issued by the Recreation Services Department.

Engineering Division Conditions

18. Restroom facilities, barricades, and signing shall be provided by the AGRC as required.
19. The AGRC shall provide a \$1,000,000 comprehensive general liability insurance policy naming the City as additional insured by June 30, 2024.
20. The AGRC shall reimburse the City for the costs of Engineering Division services and any other City services required for this event.

Building and Life Safety Division Conditions

21. All food booths must comply with the Fire Department guidelines and must have County Health Department approval. The AGRC will inform booth applicants of Fire Department guidelines and will ensure total compliance of booth operators. The AGRC will not allow non-compliant booths to operate.
22. The project shall comply with the most recent edition of the California State Fire and Building Codes and the Uniform Building and Fire Codes as adopted by the City of Arroyo Grande. Specifically, all temporary-wiring provisions of the N.E.C. must be met.
23. Emergency access must be maintained to the satisfaction of the Building Official and Fire Chief. A detailed chart or map will be provided to Building and

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Life Safety Division and Fire Department for approval prior to the event, showing placement of all booths, to include actual dimensions of access pathways for fire apparatus and emergency vehicles.

24. The use of generators must be reviewed and approved by the Building Official.
25. The AGRC shall identify an individual to act as liaison with the Fire Department for the purpose of maintaining life and safety.

Police Department Conditions

26. All temporary "No Parking" signs shall be posted a minimum of 48 hours prior to event setup.