

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT 24-003, AUTHORIZING CLOSURE OF CITY STREETS, USE OF CITY PROPERTY, AND SALE OF ALCOHOL AND APPROVING A WAIVER OF FEES FOR THE 85th ANNUAL ARROYO GRANDE VALLEY HARVEST FESTIVAL, FRIDAY AND SATURDAY, SEPTEMBER 27-28, 2024

WHEREAS, organizers of the 2024 Arroyo Grande Valley Harvest Festival have requested closure of City streets, use of City property, and permission for the sale of alcohol at the Event; and

WHEREAS, the Arroyo Grande Municipal Code (AGMC) provides for the issuance of Temporary Use Permits for events such as the Arroyo Grande Harvest Festival and AGMC Section 10.16.050 authorizes the City Council to restrict parking on any street, and California Vehicle Code Section 21101(e) authorize the closure of streets for parades and local special events; and

WHEREAS, organizers of the annual Arroyo Grande Valley Harvest Festival will be responsible for the removal of all garbage and debris generated by the event; and

WHEREAS, the organizers of the Harvest Festival 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, the applicant will provide volunteers who 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande does hereby approve Temporary Use Permit 24-003 authorizing closure of City streets, use of City property, and sale of alcohol for the 85th annual Arroyo Grande Valley

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Harvest Festival, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference:

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

2. Temporary Use Permit 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:

A. 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 Harvest Festival will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The Festival is a family friendly event that will be held during daytime hours on Friday and Saturday September 27th and 28th, 2024. Adherence to the conditions of approval ensures that the Festival is operated in a safe and orderly manner.

B. 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 road closures encompassing the entire Festival site. The proposed site is approximately ten (10) acres in size, which is large enough to prevent spill over from the event onto surrounding properties.

C. The Festival area 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 East Branch Street, North and South Mason Street, and Traffic Way, which are of significant width and improvements to accommodate the kind and quantity of traffic that the temporary use will generate.

D. 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 parking to accommodate traffic to be generated by the Harvest Festival will be provided by use of City parking lots in the vicinity. Permitted street parking in areas not affected by road closures and parking restrictions will suffice.

3. Temporary Permit Approval. The City Council of the City of Arroyo Grande does hereby approve Temporary Use Permit 24-003 authorizing the following actions and use of the following described City property for the Harvest Festival as presented to the City Council on June 25, 2024, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by the reference:

Harvest Festival – Friday & Saturday, September 27th & 28th, 2024

- That the City Council authorizes "no-parking/tow away" restrictions and use of the City parking area behind the former City Hall from the entrance of Mason Street and extending to the area of the Gazebo and Short Street for use between the hours of 5:00 p.m. on Thursday, September 26, 2024, until 8:00 a.m. Sunday, September 29, 2024.
- The use of the Heritage Square Park for various displays, activities, and contests from 4:00 p.m. to 9:00 p.m. on Friday, September 27, 2024, and 8:00 a.m. to 6:00 p.m. on Saturday, September 28, 2024.
- That the City Council authorizes "no-parking/tow away" restrictions and the use and closure of Short Street from Nelson to the Swinging Bridge from 8:00 a.m. to 6:00 p.m. on Saturday, September 28, 2024.
- That the City Council authorizes "no-parking/tow away" restrictions and the use and closure of Nelson Street from Mason Street to Bridge Street from 8:00 a.m. to 6:00 p.m. on Saturday, September 28, 2024.
- That the City Council authorizes "no-parking/tow away" restrictions and the use and closure of Mason Street from Le Point Street to Poole Street from 8:00 a.m. to 12:00 p.m. on Saturday, September 28, 2024.
- That the City Council authorizes "no-parking/tow away" restrictions of Poole Street from Mason Street to Traffic Way from 8:00 a.m. to 12:00 p.m. on Saturday, September 28, 2024.
- That the City Council authorizes "no-parking/tow away" restrictions and the use and closure of Bridge Street from Traffic Way to Branch Street from 8:00 a.m. to 6:00 p.m. on Saturday, September 28, 2024.

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- That the City Council authorizes “no-parking/tow away” restrictions and use and closure of Olohan Alley from Bridge Street to Short Street, and the City Hall parking lot of 300 East Branch Street from 8:00 a.m. to 9:00 p.m. on Friday, September 27, 2024, and from 8:00 a.m. to 6:00 p.m. on Saturday, September 28, 2024.
- The use of the City’s electrical service as needed for the lighting of booths, sound system, and contests.
- That the City Council authorizes “no-parking/tow away” restrictions and closure of a portion of West Branch Street from U.S. Highway 101 to Stanley Avenue on Saturday, September 28, 2024, from 10:00 a.m. to 12:00 p.m.
- That the Arroyo Grande Police Department will control traffic around the parade route, and police officers will be stationed to give instructions to motorists on detouring the parade route.
- That the gate between Emerald Bay Drive and Miller Way will be opened at 8 a.m. until 12:00 p.m. on Saturday, September 28, 2024, for increased resident access.
- That the City Council authorizes alcohol sales to be permitted by approved vendors within Olohan Alley on Friday, September 27, 2024, and Saturday, September 28, 2024.
- That the following streets shall be closed for the Harvest Festival Parade on Saturday, September 28, 2024, from 8:00 a.m. to noon, with “no-parking/tow away” restrictions starting at 7:00 am:
 - West and East Branch Street from Rodeo Drive to Mason Street;
 - West and East Branch Street from Old Ranch Road to Branch Street;
 - Old Ranch Road from West Branch Street to the end of the City owned property;
 - Wesley Street between Larchmont and West Branch Street;
 - Traffic Way from Fair Oaks Avenue to Station Way;
 - North Mason Street from East Branch Street to Tally Ho Road; and
 - South Mason Street from East Branch Street to Poole Street.

In addition, E. Branch will be closed from Mason to Highway 227 (Bus Barn) from 8 a.m. to 12 noon, however, parking will be allowed.

4. Waiver of Application Fees Findings. Based on the authority found in Resolution No. 3760, adopted July 13, 2004, the City Council of the City of Arroyo Grande hereby finds that the fee waiver is consistent with a public purpose and is not a gift

of public funds, and approves the fee waiver request for the Temporary Use Permit application processing fee.

- a. The applicant is a local non-profit organization;
- b. The group/organization donates at least 50% of its budget to support programs/activities within the City of Arroyo Grande or the Five Cities Area;
- c. Proceeds from the event or activity will be used for a specific City of Arroyo Grande or Five Cities area public project, program, or cause;
- d. The event or activity is organized and operated by non-paid volunteers; and
- e. The event or activity is open to the public.

5. Severability. If any section, division, sentence, clause, phrase or portion of this resolution or the document in the record in support of this resolution is determined by a court of competent jurisdiction to be invalid, unenforceable, unconstitutional or otherwise void, that determination shall not affect the validity of the remaining sections, divisions, sentences, clauses, or phrases of this resolution.

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

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 25th 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
TEMPORARY USE PERMIT 24-003
85th ANNUAL HARVEST FESTIVAL
FRIDAY AND SATURDAY, SEPTEMBER 27th AND 28th, 2024**

GENERAL CONDITIONS:

1. The Harvest Festival Committee shall ascertain and comply with all State, County and City requirements as are applicable to this project.
2. The event shall occur in substantial conformance with the application and plans on file in the Community Development Department.
3. The Harvest Festival Committee shall comply with all Conditions of Approval for Temporary Use Permit 24-003.
4. To the full extent permitted by law, the Harvest Festival Committee shall indemnify, defend and hold harmless the City, its agents, officers, and employees from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, this Temporary Use Permit except liability arising out of the proven sole negligence of the City.
5. The Harvest Festival Committee 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 Olohan Alley, and the Harvest Festival Committee shall monitor these areas to ensure no alcohol consumption occurs beyond the bounds. The playground area shall be excluded from the consumption area. Appropriate signage provided by the Harvest Festival Committee 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 Harvest Festival Committee 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.

PUBLIC WORKS DEPARTMENT CONDITIONS:

9. The Harvest Festival Committee is to contact the Public Works Department no later than September 9, 2024, regarding the number and location of trash receptacles to be placed in the downtown area.
10. The Harvest Festival Committee is responsible for disposal of its garbage into large trash containers. The Harvest Festival Committee is responsible for providing adequate dumpsters to accommodate all garbage and recycling in addition to required trash containers.
11. The Harvest Festival Committee is responsible for providing trash can liners for all trash containers.
12. The Harvest Festival Committee is responsible for providing additional restroom supplies for the festival. The Harvest Festival Committee is also responsible for monitoring and maintenance of restroom facilities. Should the City provide these supplies, the Harvest Festival Committee will reimburse the City for the cost of these supplies and related staff time.
13. Supplemental restroom facilities shall be provided by the Harvest Festival Committee.
14. The Public Works Department will provide and place all delineators, signs and barricades for road closures, "no-parking/tow away" and detour routes. The Harvest Festival Committee shall pay for all water barricades.
15. The Harvest Festival Committee shall place an advertisement in the September 2024 edition of *The New Times* advising residents of street closures and "no-parking/tow away" restrictions.
16. At least two (2) weeks in advance of the event, the Harvest Festival Committee shall mail or hand deliver a notification of street closures to every property located within the area where street closures will occur.
17. At least two (2) weeks in advance of the event, the Harvest Festival Committee shall mail or hand deliver a notification of the opening of the Emerald Bay Drive gate to every property accessed from Miller Way, Miller Court, the 200 and 100 block of Le Point Street, and W. Le Point Street.
18. The Harvest Festival Committee shall provide a \$1,000,000 commercial general liability insurance policy naming the City as additional insured subject to approval by the City Attorney. Proof of insurance shall be submitted to the Director of Legislative and Information Services ten (10) days before the event.

BUILDING AND LIFE SAFETY DIVISION CONDITIONS:

19. A handicapped accessible toilet shall be included where other portable toilets are located.
20. All electrical must be inspected by the Building and Life Safety Division prior to the event opening.
21. All tape used for marking the booth locations shall be removed by the Harvest Festival Committee immediately following the event.
22. The project shall comply with the most recent edition of the Codes as adopted by the City of Arroyo Grande. Specifically, all temporary-wiring provisions of the California Electrical Code must be met.

FIVE CITIES FIRE AUTHORITY CONDITIONS:

23. Emergency access must be maintained to the satisfaction of the Fire Chief.
24. All food booths (cooking) must comply with the Five Cities Fire Authority guidelines, must have County Health Department approval, and must ensure total compliance of booth operators. The Five Cities Fire Authority will not allow non-compliant booths to operate.
25. The use of generators must be reviewed and approved by the Fire Chief.
26. A detailed chart or map will be provided to the Fire Chief for approval prior to the event, showing placement of all booths, to include actual dimensions of access pathways for fire apparatus and emergency vehicles.
27. Per the approval of the Fire Chief, there will be medical service dedicated to the event.
28. All fire lanes must be posted and enforced in accordance with Police Department and Five Cities Fire Authority guidelines. Fire lanes and access must be approved by the Fire Chief.
29. The Harvest Festival Committee shall identify an individual to act as liaison with the Five Cities Fire Authority for the purpose of maintaining life and safety.
30. Prior to opening the event, the fire access road shall be posted. The Harvest Festival Committee shall provide continuous enforcement of the fire access road during the event.

31. The Harvest Festival Committee will coordinate and be responsible for costs associated with San Luis Ambulance to provide standby personnel and equipment for Bike Medic and golf cart transport for the entire duration of the Festival.