

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 24-006 AUTHORIZING "HALLOWEEN IN THE VILLAGE" ON THURSDAY, OCTOBER 31, 2024 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES AND FINDING THE ACTION EXEMPT FROM CEQA

WHEREAS, the Halloween in the Village event is a community-led public event for residents and their families to gather and celebrate Halloween in a safe, accessible setting; and

WHEREAS, prior to 2007 the event occurred without City involvement or permit requirements, but due to increased attendance and concern for public safety, the City began requiring permits for the event; and

WHEREAS, the permit applicant, Cheers! Arroyo Grande is composed of community volunteers, that hosted past Halloween events in the City; and

WHEREAS, Cheers! Arroyo Grande desires to host another Halloween in the Village event, on October 31, 2024 from 4PM to 6PM, with active street closures from 3PM to 7PM; and

WHEREAS, the applicant, Cheers! Arroyo Grande, applied for a Temporary Use Permit for the Halloween in the Village event which, amongst other things, is necessary to establish conditions to ensure the safety of the event; and

WHEREAS, the implementation of safety measures including no parking zones and street closures will help to facilitate a safe Halloween for all individuals participating in the event and traveling through the Village area; and

WHEREAS, the Arroyo Grande Municipal Code (AGMC) provides for the issuance of Temporary Use Permits in AGMC 16.16.090 for events such as "Halloween in the Village", AGMC Section 10.16.050 authorizes the City Council to restrict parking on any street, and California Vehicle Code Section 21101(e) authorizes the closure of streets for parades and local special events.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande does hereby approve Temporary Use Permit 24-006 authorizing the following actions, 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.** The above recitals are true and correct and are incorporated herein by reference.
2. **CEQA.** This action is exempt from review under the California Environmental Quality Act (CEQA) per Section 15304(e), which authorizes an exemption for minor temporary uses of land that have negligible or no permanent effects on the environment.

3. Findings.

- 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 requested use at the locations proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare due to the use of traffic safety equipment to restrict vehicle access into the event area and dedicated local law enforcement personnel to monitor traffic and ensure a safe event.

- 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 City streets to be used are adequate in size and shape to accommodate the trick-or-treat event without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the Event. The closure will last for a limited amount of time, provide detours or alternative driving routes, and the City will give advanced notification regarding the event to allow for other properties to plan accordingly will be provided.

- c. 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 streets Traffic Way, Branch Street, Nelson Street, and Olohan Alley which are built with sufficient width and improvements to accommodate the kind and quantity of traffic that the Event will or could reasonably be expected to generate. Furthermore, this site has been used for this event since 2007 with no significant issues during that time frame.

- 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 planning director.

Adequate temporary parking to accommodate vehicular traffic to be generated by the Event is available throughout the City.

- e. In accordance with Vehicle Code 21101(e), closure of the particular streets is necessary for the safety or protection of persons who are to use that portion of the street. Sidewalks and streets become crowded during this event and disallowing vehicle traffic ensures that attendees can safely enjoy the event. Street closure also allows for the efficient operation of the event and increases the safety for pedestrians when crossing the street.

4. Establishment of No Parking Zones, Street Closures and Detour.

- a. The establishment of a “No Parking” zone on East and West Branch Streets between Traffic Way and Mason Street between the hours of 3:00PM and 7:00PM on the day of the event;
 - b. “No Parking” at the corner of Mason Street and Nelson Street (to allow turning movement for commercial trucks) between the hours of 3:00PM and 7:00PM on the day of the event;
 - c. The closure of West and East Branch Street from Traffic Way to Mason Street between the hours of 3:00PM and 7:00PM on the day of the event;
5. The closure of intersections or major driveways onto East and West Branch Street including Bridge Street, Short Street, the Car Corral, and Nevada Street between the hours of 3:00PM and 7:00PM on the day of the event;
6. The implementation of a detour which routes automobile and truck traffic onto Traffic Way, Nelson Street and Mason Street and delineating a widened turning lane on East Branch Street at Mason Street for commercial trucks between the hours of 3:00PM and 7:00PM on the day of the event.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Arroyo Grande does hereby approve Temporary Use Permit 24-006 authorizing the following actions for the Halloween in the Village:

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 _____ day of September, 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. 24-006**

GENERAL CONDITIONS:

1. This Temporary Use Permit authorizes "Halloween in the Village" and directs staff to implement related safety measures including no parking zones and street closures on Tuesday, October 31, 2024.
2. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
3. The event shall occur in substantial conformance with the application and plans on file in the Community Development Department.
4. The applicant shall comply with all of the Conditions of Approval for Temporary Use Permit 24-006.
5. 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.
6. The applicant shall notify all affected businesses and residents of street closures and parking restrictions at least fourteen (14) days prior to the event.
7. The applicant shall clean up all debris associated with the event to the satisfaction of the Public Works Director.
8. Traffic detouring shall be coordinated with the Police Department.
9. The Public Works Department shall be responsible for ordering and directing the setup of all traffic control equipment through a private purveyor.
10. The applicant 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 the insurance shall be submitted to the Director of Legislative and Information Services ten (10) days before the event.