

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 24-007; AUTHORIZATION TO USE CITY PROPERTY FOR A BEER AND WINE FESTIVAL ON NOVEMBER 9, 2024; LOCATED AT HERITAGE SQUARE PARK; APPLIED FOR BY CHEERS ARROYO GRANDE

WHEREAS, the organizers of the Arroyo Grande Beer and Wine Festival have requested the use of Heritage Square Park for a beer and wine festival; 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 be responsible for costs associated with security, cleanup, and payment of all related fees and costs for use of City property and City employee time related to the event; and

WHEREAS, the project is in compliance with the California Environmental Quality Act (CEQA), it has been determined that this project is Categorically Exempt per Section 15304(e) of the CEQA Guidelines regarding minor temporary uses of land and that none of the exceptions to the Class 4 exemption set forth in State CEQA Guidelines section 15300.2 apply; and

WHEREAS, the City Council finds, after due study and deliberation that the following circumstances exist, in accordance with Arroyo Grande Municipal Code section 16.16.090.

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 period specified will not jeopardize, endanger or constitute a menace because the site will be contained via fencing, security will be provided, the attendees will be identified with wristbands, and restrooms will be provided 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 because the event will be contained by fences and the applicant will provide security, the proposed site functions as a permanent park, and is accustomed to a higher flow of visitors on the site.

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 Square Park is located in a commercial district that has ample public parking for visitors.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Arroyo Grande hereby approves Temporary Use Permit 24-007, authorizing the use of City property as presented to the City Council on October 8, 2024, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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

AYES:
NOES:
ABSENT:

The foregoing Resolution was passed and adopted this 8th day of October, 2024.

CAREN 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. 24-007**

This approval authorizes the use of Heritage Square Park and on street parking on the north side of Nelson Street, and east side of Short Street adjacent to the park for a beer and wine festival between 6:00 am and 8:00 pm on Saturday, November 9, 2024, with the event occurring from 12:00 pm to 4:00 pm.

General Conditions

1. The applicant 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 office.
3. The applicant shall comply with all the conditions of the City Council Resolution adopted on October 8, 2024.
4. Comply with all California Department of Alcoholic Beverage Control requirements applicable to the project.
5. The applicant shall agree to defend, indemnify and hold harmless the City, its agents, officers, and employees harmless, at its sole expense from any action brought against the City, its agents, officers, or employees because of said approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the applicant of their obligations under this condition.

Public Works Department Conditions

6. The applicant is responsible for providing dumpster, trash bags and enough restroom facilities to serve the event. Any supplies the Public Works Department may need to provide must be reimbursed by the applicant.
7. The applicant 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.
8. The applicant 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.
9. The applicant shall remove any tape placed on streets, parking areas, and grass after the event.
10. Applicant is responsible for notifying the City of Arroyo Grande Public Works Department (805-473-5485), at least two weeks prior to the event date so that sprinkler heads can be marked for avoidance from damage during the event.

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The applicant shall reimburse the City for any damage to the irrigation system at the park.

Engineering Division Conditions

11. The applicant shall provide restroom facilities, barricades, and signage as required.
12. The applicant shall provide a \$1,000,000 comprehensive general liability insurance policy naming the City as additional insured by October 26, 2024.
13. The applicant 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

14. 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.
15. 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 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.
16. The use of generators must be reviewed and approved by the Building Official.
17. The applicant shall identify an individual to act as liaison with the Fire Department for the purpose of maintaining life and safety.

Police Department Conditions

18. All temporary "No Parking" signs shall be posted by the applicant a minimum of 48 hours prior to the event, stating the dates and times of restriction.
19. Private security personnel will be provided by the applicant, to the satisfaction of the Chief of Police.
20. Failure to provide private licensed security will result in AGPD Officers being assigned with expenses billed to the applicant.

Special Conditions

21. The applicant shall mail or hand deliver notification of the event to all properties between Bridge Street and Whitely Street from Branch Street to Allen Street at least one week before the event.