



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Consideration of Resolution Approving Temporary Use Permit 22-007; Authorization for Sale of Beer and Wine at the 2022 Heritage Square Park Summer Concert Series and Application Fee Waiver; Location – Heritage Square Park; Applicant – Arroyo Grande Rotary

DATE: June 28, 2022

SUMMARY OF ACTION:

Approval of the Temporary Use Permit would allow the Arroyo Grande Rotary Club to sell beer and wine at the 2022 Heritage Square Park Summer Concert Series events, beginning at the first event scheduled for July 4, 2022.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

The applicant is requesting a waiver of application fees for the Temporary Use Permit, which totals \$294. Due to the evolving annual nature of the request for alcohol sales and the work conducted to review the proposal, it is recommended that the fee waiver request be approved. Ten percent (10%) of revenue from beer and wine sales will be donated to the Recreation Services Department.

RECOMMENDATION:

Adopt a Resolution approving Temporary Use Permit No. 22-007 to allow the sale of beer and wine at the 2022 Heritage Square Park Summer Concert Series and approving the request for an application fee waiver .

BACKGROUND:

The Summer Concert Series are annual concert events in which visitors bring their own lawn chairs and blankets to congregate on the Nelson Green at Heritage Square Park, while musical performances are conducted on the Rotary Bandstand. The Summer Concert Series is a City program, which is being organized by the Recreation Services Department for a second time, rather than being organized by a local sponsor. While the concerts are organized by the City, the Arroyo Grande Rotary Club (AGRC) has submitted an application for a Temporary Use Permit to allow for the sale and consumption of beer

Item 8.g.

City Council

Consideration of Resolution Approving Temporary Use Permit 22-007; Authorization for Sale of Beer and Wine at the 2022 Heritage Square Park Summer Concert Series and Application Fee Waiver; Location – Heritage Square Park; Applicant – Arroyo Grande Rotary

June 28, 2022

Page 2

and wine at the 2022 Heritage Square Park Summer Concert Series (the “Event”). The request for alcohol sales necessitates the approval of a Temporary Use Permit by the City Council. Council approved permits for beer and wine at three previous Summer Concerts Series and no issues associated with the alcohol sales were reported to the Police or Community Development Departments.

The group is requesting Council allow the sale of beer and wine for a fourth year at the Event as an additional amenity to Event patrons. The benefits identified by the applicant include increased revenue from alcohol sales beyond those realized through the sale of hot dogs, non-alcoholic drinks, and ice cream at the Event, as well as the establishment of additional promotional opportunities with new partners.

Staff Advisory Committee

In accordance with Council conditions for last year’s event, the Staff Advisory Committee (SAC) held a debrief meeting during and at the conclusion of the Event to evaluate the success of the Event. No issues with public intoxication or public health, safety, or welfare were noted and the Event was considered a success.

The SAC reviewed this year’s proposal on June 9, 2022. The SAC was in support of the project with the same conditions of approval included for last year’s Event to ensure a safe and successful experience.

ANALYSIS OF ISSUES:

The Summer Concert Series begins July 4, 2022, and continues each Sunday through the summer, concluding on September 18, 2022, for a total of twelve (12) events. Beer and wine sales would occur during each of the concerts, which are scheduled to occur from 1:00 PM – 3:00 PM. Sales and identification checks would be conducted by AGRC volunteers, who are required to be appropriately trained. Similar to last year’s Event, the applicant is proposing to not fence off the Nelson Green, opting to use the entire lawn area for alcohol consumption during the Event.

Fencing

The need for fencing was discussed during processing of permits for Events held in previous years and it was determined that safety and public welfare will be met without fencing around the Heritage Square Park lawn area to contain the consumption of alcohol. In accordance with requirements of the California Department of Alcoholic Beverage Control (ABC), the public sidewalks surrounding the lawn area act as the boundary for alcohol consumption and therefore fencing is not required. This boundary will be enforced with appropriate signage and trained personnel provided by AGRC serving as security. This arrangement is similar to other public events throughout the County.

City Council

Consideration of Resolution Approving Temporary Use Permit 22-007; Authorization for Sale of Beer and Wine at the 2022 Heritage Square Park Summer Concert Series and Application Fee Waiver; Location – Heritage Square Park; Applicant – Arroyo Grande Rotary

June 28, 2022

Page 3

Attendee Identification

The Event does not require the sale of entrance tickets like other events where alcohol is consumed. Therefore, the screening process to ensure lawful consumption is necessary. This will be closely monitored by AGRC volunteers to ensure only persons of legal drinking age will be able to buy and consume beer and wine. The AGRC will work with the ABC and the Police Department to ensure individuals are properly trained.

Trash and Recycling

If authorized for the sale of beer and wine, the potential for increased trash and recyclable material increases. Therefore, the applicant will be required to add at least 5 more temporary/cardboard (with a trash liner) trash and recycling receptacles and place them at appropriate locations around the park. At the end of each event, the bags of material will be placed near the sidewalk so that City Public Works staff can more easily load them onto a truck for disposal and recycling.

Fee Waiver

The applicant has requested the application fees associated with the Temporary Use Permit application be waived (Attachment 1). If approved, this waiver would result in the loss of \$294 in revenue. Revenue from application fees is used to offset the costs of processing the application. The event has traditionally received a fee waiver and is recommended again this year. Although the time necessary to process the application the first year was higher, subsequent years have resulted in less impact to personnel resources due to increased familiarity with the event. The event also provides additional exposure of the City and its amenities to the public. It also brings attendees to the Village, which can have a direct economic benefit to businesses in the area, resulting in increases in sales tax. While this exposure cannot be directly quantified, it remains beneficial. Lastly, the Council has previously established through adoption of Resolution No. 3760 (Attachment 2) the blanket waiver of application fees for similar annual events. Although this event is not identified on this list, the evolving annual nature of the event is consistent with the intent of the policy. Council has elected to waive the fees for this application for the previous three occurrences of the event.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolution approving Temporary Use Permit 22-007, including an authorization to waive the application fee;
2. Modify as appropriate and adopt the Resolution, approving Temporary Use Permit 22-007;
3. Do not adopt the Resolution;
4. Provide other direction to staff.

Item 8.g.

City Council

**Consideration of Resolution Approving Temporary Use Permit 22-007;
Authorization for Sale of Beer and Wine at the 2022 Heritage Square Park Summer
Concert Series and Application Fee Waiver; Location – Heritage Square Park;
Applicant – Arroyo Grande Rotary**

June 28, 2022

Page 4

ADVANTAGES:

The Summer Concert Series is a well-attended event that holds a special place in the heart of many in the community. The addition of beer and wine sales at the Event has the potential to provide additional funds to the AGRC to continue their valuable work in the community. Additionally, the sale of beer and wine at the Event would provide attendees an additional beverage option during their time at the concerts.

DISADVANTAGES:

None identified due to the success of Events held in 2018, 2019, and 2021.

ENVIRONMENTAL REVIEW:

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 use of land.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution
2. City Council Resolution No. 3760