

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE APPROVING TEMPORARY USE PERMIT
NO. 23-005 AND APPROVING A WAIVER OF FEES;
AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE
2023 HERITAGE SQUARE PARK SUMMER CONCERT SERIES;
APPLIED FOR BY THE ARROYO GRANDE ROTARY CLUB**

WHEREAS, the 2023 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, and 2022 Events were successfully implemented; and

WHEREAS, the AGRC submitted a request to waive the \$302 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.

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 period 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 23-005, authorizing the sale of beer and wine at the 2023 Heritage Square Park Summer Concert Series as presented to the City Council on June 13, 2023, 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 13th day of June 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT "A"
CONDITIONS OF APPROVAL FOR
TEMPORARY USE PERMIT NO. 23-005

This approval authorizes the sale of beer and wine from 11:00 AM – 4:00 PM on July 4, 2023, and from 1:00 – 3:00 PM for the remainder of the 2023 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 obtain daily licenses for each occurrence and abide by all conditions from the Department of Alcoholic Beverage Control
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 13, 2023, approving temporary use permit No. 23-005.
4. The AGRC 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 AGRC 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 AGRC of their obligations 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. The playground area shall be excluded from the consumption area. Appropriate signage 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.
10. AGRC shall remit ten percent (10%) of gross revenue from beer and wine sales to the Recreation Services Department.

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Public Works Department Conditions

11. The AGRC is responsible for providing temporary cardboard trash receptacles, 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 AGRC. The Public Works Department shall have final approval over the number of trash receptacles, trash bags, and restroom facilities necessary for the event.
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. At the end of each event, the AGRC shall place all trash bags near the sidewalk so that City Public Works staff can more easily load them onto a truck for disposal and recycling.
17. 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.
18. The AGRC shall abide by all terms and conditions of the Park Use Permit issued by the Recreation Services Department.

Engineering Division Conditions

19. Restroom facilities, barricades, and signing shall be provided by the AGRC as required.
20. The AGRC shall provide a \$1,000,000 comprehensive general liability insurance policy naming the City as additional insured by June 30, 2023.
21. 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

22. 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.
23. 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.
24. 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.

25. The use of generators must be reviewed and approved by the Building Official.
26. 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

27. All temporary "No Parking" signs shall be posted a minimum of 48 hours prior to event setup.
28. The AGRC shall monitor the lawn area of Heritage Square Park to ensure that no alcohol consumption occurs beyond the boundaries of the public sidewalks surrounding the lawn area. The AGRC shall provide signage to indicate that no alcohol consumption may occur beyond the boundaries of the lawn area, and shall provide security to enforce the boundaries.