



MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, PLANNING MANAGER

SUBJECT: CONSIDERATION OF AMENDMENT TO TEMPORARY USE PERMIT NO. 16-005; USE CITY PROPERTY FOR A BEER AND FOOD FESTIVAL ON SATURDAY, OCTOBER 15, 2016; LOCATION – HERITAGE SQUARE PARK; APPLICANT – ARROYO GRANDE VILLAGE IMPROVEMENT ASSOCIATION; REPRESENTATIVE – BOB LUND

DATE: JULY 26, 2016

RECOMMENDATION:

It is recommended the City Council adopt a Resolution amending Temporary Use Permit 16-005 to modify the event date for the use of City property for a beer and food festival to Saturday, October 15, 2016.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:

There is no impact to the City associated with the modified event date.

BACKGROUND:

On May 24, 2016, the City Council approved Temporary Use Permit 16-005, authorizing a beer and food festival at Heritage Square Park on October 22, 2016. The applicant has requested the event date be moved to increase availability for breweries to participate in the approved event.

ANALYSIS OF ISSUES:

The applicant is planning for a diverse offering of breweries for the event and has indicated the changing of the event date will aid in the festival being a success. It has been confirmed that Heritage Square Park is currently available on October 15, 2016 to accommodate the date change.

ALTERNATIVES:

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

1. Adopt the Resolution approving the amendment to Temporary Use Permit No. 16-005, approving the event date change to October 15, 2016;

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2. Modify as appropriate and adopt the Resolution approving the amendment to Temporary Use Permit No. 16-005, approving the event date change to October 15, 2016;
3. Do not adopt the Resolution, take tentative action to deny the amendment to the Temporary Use Permit, and direct staff to return with an appropriate Resolution; or
4. Provide direction to staff.

ADVANTAGES:

Moving the event date is anticipated to allow for increased brewery participation with the goal of creating a successful event.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), it has been determined that this project is Categorical Exempt per Section 15304 (e) of the CEQA Guidelines regarding minor temporary use of land.

PUBLIC NOTIFICATION AND COMMENTS:

A condition of approval is included in the Resolution requiring the applicant to mail or hand deliver notification of the event to all affected Village residents one week before the event. Unlike other Village events where streets are being closed, the applicant is not being required to place an advertisement in The Tribune prior to the event.

The Agenda was posted in front of City Hall on Thursday, July 21, 2016. The Agenda and report were posted on the City's website on Friday, July 22, 2016.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TEMPORARY USE PERMIT NO. 16-005; AUTHORIZING THE USE OF CITY PROPERTY FOR BEER AND FOOD FESTIVAL ON OCTOBER 15, 2016; LOCATED AT HERITAGE SQUARE PARK; APPLIED FOR BY THE ARROYO GRANDE VILLAGE IMPROVEMENT ASSOCIATION

WHEREAS, the Arroyo Grande Village Improvement Association (VIA), organizers of the Arroyo Grande Bacon, Brews and BBQ event, have requested the use of Heritage Square Park and the reservation of on street parking directly adjacent to the park for the operation of a beer and food 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, members of the VIA 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, on May 24, 2016, the City Council approved Temporary Use Permit No. 16-005 and now desires to amend that approval to change the date of the event from October 22, 2016 to October 15, 2016; and

WHEREAS, the City Council finds, after due study and deliberation, that 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.
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.
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.
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.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande hereby amends Temporary Use Permit 16-005, 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 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 26th day of July 2016.

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

GEOFF ENGLISH, ACTING CITY MANAGER

APPROVED AS TO FORM:

HEATHER K. WHITHAM, CITY ATTORNEY

**EXHIBIT " A "
CONDITIONS OF APPROVAL FOR
AMENDED TEMPORARY USE PERMIT NO. 16-005**

This approval authorizes the use of Heritage Square Park and on street parking on the west side of Mason Street, north side of Nelson Street, and east side of Short Street adjacent to the park for a beer and food festival from 12:00 pm to 9:00 pm on Saturday, October 15, 2016.

General Conditions

1. The Arroyo Grande Village Improvement Association (VIA) 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 VIA shall comply with all the conditions of the City Council Resolution adopted on July 26, 2016.
4. The VIA 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 VIA 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 VIA of his/her obligations under this condition.

Public Works Department Conditions

5. The VIA is responsible for providing 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 VIA.
6. The VIA 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.
7. The VIA shall reimburse the City for electrical costs associated with the event.
8. The VIA 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 VIA shall remove any tape placed on streets, parking areas, and grass after the event.
10. The VIA shall flag all sprinkler heads on turf and lawn areas to prevent damage. The VIA shall reimburse the City for any damage to the irrigation system at the park.

Engineering Division Conditions

11. Restroom facilities, barricades, and signing shall be provided by the VIA as required.
12. The VIA shall provide a \$1,000,000 comprehensive general liability insurance policy naming the City as additional insured by October 1, 2016.

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13. The VIA 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. All food booths must comply with the Fire Department guidelines, and must have County Health Department approval. The VIA will inform booth applicants of Fire Department guidelines, and will ensure total compliance of booth operators. The VIA will not allow non-compliant booths to operate.
15. 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.
16. The Building and Life Safety Division must inspect all food booths, generators and temporary electrical service prior to the opening of the event. In lieu of requiring a building permit for temporary electrical service, the VIA will collect a fee of \$15 per every booth utilizing an electrical connection. This fee will be itemized by booth and submitted to the Building and Life Safety Division within 15 days of the end of the Festival.
17. 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.
18. The use of generators must be reviewed and approved by the Building Official.
19. The VIA shall identify an individual to act as liaison with the Fire Department for the purpose of maintaining life and safety.

Police Department Conditions

20. All temporary "No Parking" signs shall be posted a minimum of 48 hours prior to event setup.
21. A minimum of three (3) private security personnel will be provided by the VIA, to the satisfaction of the Chief of Police. The VIA will present to the Arroyo Grande Police Department two (2) weeks prior to the event:
 - a. The name of the security agency
 - b. A schedule of security coverage
 - c. Location and hours of security assignmentsMinimum required security is one (1) volunteer officer stationed at the event and two (2) volunteer officers assigned to the Swinging Bridge.
22. Failure to provide private licensed security will result in AGPD Officers being assigned with expenses billed to the VIA.

Special Conditions

23. Notification of all restricted parking must be posted a minimum of 48 hours prior to event, stating the dates and times of restrictions.

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24. The VIA shall mail or hand deliver notification of the event to all affected residents one week before the event, including residents on Allen Street due to the revised street closures.