



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** BRIAN PEDROTTI, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** ANDREW PEREZ, ASSOCIATE PLANNER

**SUBJECT:** CONSIDERATION OF TEMPORARY USE PERMIT 21-006; AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE 2021 HERITAGE SQUARE PARK SUMMER CONCERT SERIES EVENTS AND APPLICATION FEE WAIVER; LOCATION – HERITAGE SQUARE PARK; APPLICANT – ARROYO GRANDE ROTARY CLUB; REPRESENTATIVE – MARY SANSONE & LINDA VLEIT

**DATE:** JUNE 22, 2021

### **SUMMARY OF ACTION:**

Approval of the Temporary Use Permit would allow the Arroyo Grande Rotary Club to sell beer and wine at the 2021 Heritage Square Park Summer Concert Series events, which occurs every other Sunday beginning July 4, 2021.

### **IMPACT TO 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:**

It is recommended the City Council adopt a Resolution approving Temporary Use Permit No. 21-004 to allow the sale of beer and wine at the 2021 Heritage Square Park Summer Concert Series and approving the request for an application fee waiver.

### **BACKGROUND:**

The Summer Concert Series are annual concert events sponsored by the Arroyo Grande Rotary Club (AGRC). At the concerts, 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 applicant has submitted an application for a Temporary Use Permit to allow for the sale and consumption of beer and wine at the 2021 Heritage Square Park Summer Concert Series (the “Event”). The Event is permitted by the Recreation Services Division through a Park Use Permit; however, the request for alcohol sales necessitates the approval of a Temporary Use Permit by the City Council.

## **CITY COUNCIL**

### **CONSIDERATION OF TEMPORARY USE PERMIT 21-006; AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE 2021 HERITAGE SQUARE PARK SUMMER CONCERT SERIES EVENTS AND APPLICATION FEE WAIVER; LOCATION – HERITAGE SQUARE PARK; APPLICANT – ARROYO GRANDE ROTARY CLUB; REPRESENTATIVE – MARY SANSONE & LINDA VLEIT**

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Council approved beer and wine sales for the 2018 and 2019 Summer Concerts Series and no issues associated with the alcohol sales were reported to the Police or Community Development Departments. The event was cancelled in 2020 due to the COVID-19 pandemic. AGRC is requesting that Council allow the sale of beer and wine for a third 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 on prior Summer Concert Series permits, the Staff Advisory Committee (SAC) held a debrief meeting during and at the conclusion of the Events in 2018 and 2019. During those debrief meetings, 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 2, 2021. The SAC was in support of the project with the same conditions of approval included for the 2019 Summer Concert Series permit to ensure a continuing safe and successful event.

#### **ANALYSIS OF ISSUES:**

The applicant has indicated that beer and wine sales would occur during concert events, which are scheduled to occur from 1:00 PM – 4:00 PM. Sales and identification checks would be conducted by AGRC volunteers, who are required to be appropriately trained. Similar to the Event held in 2019, the applicant is proposing to not fence off the Nelson Green, opting to have the entire lawn area act as the consumption area during the Event. The Summer Concert Series occurs every other Sunday, beginning July 4, 2021, and concluding on September 12, 2021, for a total of six (6) events.

#### 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 and fencing is not required 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 ensured with appropriate signage and trained personnel provided by AGRC serving as security. This is similar to other public events throughout the County.

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Attendee Identification

The Event does not require the sale of entrance tickets like other events where alcohol is consumed. Therefore, the screening process is necessary to ensure proper consumption. 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, if necessary, to ensure individuals are properly trained.

**ALTERNATIVES:**

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

1. Adopt the attached Resolution approving Temporary Use Permit 21-004
2. Modify as appropriate and adopt the attached Resolution, approving Temporary Use Permit 21-004;
3. Do not adopt the attached Resolution;
4. Provide other direction to staff.

**ADVANTAGES:**

The Summer Concert Series is a well-attended event that holds a special place in the hearts 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 (and to the Recreation Department) to continue their work in the community.

**DISADVANTAGES:**

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

**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 in at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO.21-006 AND APPROVING A WAIVER OF FEES; AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE 2021 HERITAGE SQUARE PARK SUMMER CONCERT SERIES; APPLIED FOR BY THE ARROYO GRANDE ROTARY CLUB**

**WHEREAS**, the Arroyo Grande Rotary Club (AGRC), organizer of the Heritage Square Park Summer Concert Series, has requested permission to sell beer and wine at the 2021 Concert Series (the “Event”); and

**WHEREAS**, beer and wine sales organized by the AGRC during the 2018 and 2019 Events were successfully implemented; and

**WHEREAS**, the AGRC submitted a request to waive the \$294 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 checking identification during the Event to ensure only those persons of legal drinking age will be able to consume beer and wine; and

**WHEREAS**, the City Council finds, 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. The use is not anticipated to result in significant environmental impacts, and has been deemed exempt from further environmental review pursuant to Section 15304(e) of the California Environmental Quality Act Guidelines.*

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.

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*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.*

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande hereby approves Temporary Use Permit 21-006, authorizing the sale of beer and wine at the 2021 Heritage Square Park Summer Concert Series as presented to the City Council on June 22, 2021, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

**BE IT FURTHER RESOLVED** that 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 22<sup>nd</sup> day of June 2021.

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CAREN RAY RUSSOM, MAYOR

ATTEST:

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JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

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WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

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TIMOTHY J. CARMEL, CITY ATTORNEY

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL FOR**  
**TEMPORARY USE PERMIT NO. 21-006**

This approval authorizes the sale of beer and wine between 1:00 – 4:00 PM during the 2021 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 all Department of Alcoholic Beverage Control requirements.
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 22, 2021.
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).
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. The AGRC shall abide by all terms and conditions of the Park Use Permit issued by the Recreation Services Department.

Public Works Department Conditions

11. The AGRC 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 AGRC.

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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. The ARGRC 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.

Engineering Division Conditions

17. Restroom facilities, barricades, and signing shall be provided by the AGRC as required.
18. The AGRC shall provide a \$1,000,000 comprehensive general liability insurance policy naming the City as additional insured by July 1, 2021.
19. 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

20. 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.
21. 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.
22. 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.
23. The use of generators must be reviewed and approved by the Building Official.
24. 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

25. All temporary "No Parking" signs shall be posted a minimum of 48 hours prior to event setup.