MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA MCCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, PLANNING MANAGER

SUBJECT: CONSIDERATION OF TEMPORARY USE PERMIT 19-003; AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE 2019 HERITAGE SQUARE PARK SUMMER CONCERT SERIES EVENTS AND APPLICATION FEE WAIVER; LOCATION – HERITAGE SQUARE PARK; APPLICANT – ARROYO GRANDE ROTARY CLUB; REPRESENTATIVE – MARY SANSONE & PAUL PROVENCE

DATE: APRIL 23, 2019

SUMMARY OF ACTION:
Approval of the Temporary Use Permit would allow the South County Historical Society and Arroyo Grande Rotary Club to sell beer and wine at the 2019 Heritage Square Park Summer Concert Series events, which occurs every other Sunday beginning June 9, 2019.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:
There is no direct funding impact anticipated as a result of this request. The applicant is requesting a waiver of application fees for the Temporary Use Permit, which totals $256. Due to the fact that the event is evolving into an annual request for alcohol sales and the limited work conducted to review the proposal, it is recommended that the fee waiver request be approved.

RECOMMENDATION:
It is recommended the City Council adopt a Resolution approving Temporary Use Permit No. 19-003 to allow the sale of beer and wine at the 2019 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 South County Historical Society (SCHS), a 501(c)3 non-profit organization and 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 Heritage Square Park Summer Concert Series (the “Event”) for 2019.
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. The applicants conducted the Event for the first time at the 2018 Summer Concerts Series and no issues associated with the alcohol sales were reported to the Police or Community Development Departments. The groups are requesting the Council allow the sale of beer and wine for a second year at the Event as an additional amenity to Event patrons. The benefits identified by the applicants 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 last year’s Event, the Staff Advisory Committee (SAC) held a debrief meeting during and at the conclusion of the Event in 2018 to evaluate the success of the Event. 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 April 10, 2019. Members of the SAC did discuss minor instances where attendees brought their own beer and wine to the Event; however, according to the information available these instances were very limited and did not result in impacts to public health, safety, or welfare. The SAC was in support of the project with the same conditions of approval included for last year’s Event to ensure a continuing safe and successful event.

ANALYSIS OF ISSUES:
The applicant has indicated that beer and wine sales would occur from 12:00 – 3:00 PM during concert Events, which typically occur from 11:30 AM – 3:30 PM. Sales and identification checks would be conducted by SCHS or 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 have the entire lawn area act as the consumption area during the Event. The Summer Concert Series occurs every other Sunday, beginning June 9, 2019, and concluding on September 8, 2019, for a total of eight (8) Events. An additional event would be held on July 4, 2019.

Fencing
The need for fencing was discussed during the processing of last year’s Event 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 SCHS and AGRC serving as security. This is similar to other public events throughout the County.
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 proper consumption is necessary. This will be closely monitored by SCHS and AGRC volunteers to ensure only persons of legal drinking age will be able to buy and consume beer and wine. The SCHS and 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 19-003;
2. Modify as appropriate and adopt the attached Resolution, approving Temporary Use Permit 19-003;
3. Do not adopt the attached Resolution; or
4. Provide direction to staff.

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 SCHS and AGRC to continue their work in the community. Additionally, the sale of beer and wine at the Event would provide attendees an additional option during their time at the concerts.

DISADVANTAGES:
None identified due to the apparent success of last year’s Event.

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. Fee waiver request
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 19-003 AND APPROVING A WAIVER OF FEES; AUTHORIZATION FOR THE SALE OF BEER AND WINE AT THE 2019 HERITAGE SQUARE PARK SUMMER CONCERT SERIES; APPLIED FOR BY THE ARROYO GRANDE ROTARY CLUB AND THE SOUTH COUNTY HISTORICAL SOCIETY

WHEREAS, the South County Historical Society (SCHS) and the Arroyo Grande Rotary Club (AGRC), organizers of the Heritage Square Park Summer Concert Series, have requested permission for the sale of beer and wine at the 2019 Concert Series (the “Event”); and

WHEREAS, the SCHS and the AGRC operated the same type of event during the 2018 Concert Series, which was determined to be successfully implemented; and

WHEREAS, the SCHS and the AGRC submitted a request to waive the $256 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 SCHS and AGRC will be responsible for monitoring identification and consumption of alcoholic beverages during the Event; 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 SCHS and 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 SCHS and 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 19-003, authorizing the sale of beer and wine at the 2019 Heritage Square Park Summer Concert Series as presented to the City Council on April 23, 2019, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

NOW, THEREFORE, 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 23rd day of April 2019.
KRISTEN BARNEICH, MAYOR PRO TEM

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

HEATHER K. WHITHAM, CITY ATTORNEY
This approval authorizes the sale of beer and wine between 12:00 – 3:00 PM during the 2019 Heritage Square Park Summer Concert Series.

**General Conditions**

1. The South County Historical Society (SCHS) and 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 SCHS and AGRC shall comply with all the conditions of the City Council Resolution adopted on April 23, 2019.

4. The SCHS and 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 SCHS and 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 SCHS and AGRC of their obligations under this condition.

5. The SCHS and 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.

**Public Works Department Conditions**

8. The SCHS and AGRC are 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 SCHS and AGRC.

9. The SCHS and 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.
10. The SCHS and AGRC shall reimburse the City for electrical costs associated with the event.

11. The SCHS and 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.

12. The SCHS and AGRC shall remove any tape placed on streets, parking areas, and grass after the event.

13. The SCHS and AGRC shall flag all sprinkler heads on turf and lawn areas to prevent damage. The SCHS and AGRC shall reimburse the City for any damage to the irrigation system at the park.

**Engineering Division Conditions**

14. Restroom facilities, barricades, and signing shall be provided by the SCHS and AGRC as required.

15. The SCHS and AGRC shall provide a $1,000,000 comprehensive general liability insurance policy naming the City as additional insured by June 1, 2019.

16. The SCHS and 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**

17. All food booths must comply with the Fire Department guidelines, and must have County Health Department approval. The SCHS and AGRC will inform booth applicants of Fire Department guidelines, and will ensure total compliance of booth operators. The SCHS and AGRC will not allow non-compliant booths to operate.

18. 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.

19. 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.

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

21. The SCHS and AGRC shall identify an individual to act as liaison with the Fire Department for the purpose of maintaining life and safety.

**Police Department Conditions**

22. All temporary "No Parking" signs shall be posted a minimum of 48 hours prior to event setup.
City Council Conditions

23. The SCHS and 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.

24. The Staff Advisory Committee shall conduct a debriefing following the conclusion of the first few events to evaluate the success of the event.
April 10, 2019

To: Mr. Matt Downing, Community Development Department
   City of Arroyo Grande
   300 East Branch Street
   Arroyo Grande, Ca. 93420

Subject: Request for fee waiver in connection with Minor Project Permit to sell beer and wine during 2019 Summer Concert Series at Heritage Square Park

Dear Mr. Downing:

The Arroyo Grande Rotary Club (AGRC) and the South County Historical Society (SCHS) are, once again, partnering to offer the sale of wine and beer at each of the 2019 Summer Concerts in Heritage Square Park. The practice was started in connection with the 2018 Summer Concert Series. It was the first time AGRC was involved as a vendor. SCHS has been a vendor of various food items at each concert for many years. AGRC handles all of the beer and wine sales including identifying persons to ensure that they are of age to consume alcohol and monitoring behavior of those who are consuming alcoholic beverages during the concerts. AGRC provides appropriate liability insurance. SCHS serves as a backup in making sure that rules are adhered to and that the sales area is left clean and intact at the end of each concert.

AGRC and SCHS are both 501c3 organizations that have elected to engage in the sale of food, wine, and beer for the purpose of raising funds that are redeployed into the local community through philanthropic work. It is through considerable time and effort of AGRC and SCHS volunteers that food and drink is available to concert goers. The availability of food along with wine and beer is part of the draw for persons who attend the concerts. Attendees, both local and visiting, are contributing to the local economy through their purchases at the free concerts. SCHS curates the history of Arroyo Grande and educates locals, tourists, and students about what makes Arroyo Grande and the rest of South County such a special place.

In addition to the permit from the City of Arroyo Grande, AGRC must obtain ABC permits for each individual concert. These permits cost $50 each. AGRC and SCHS are also paying for food and drink products and various supplies. Any expense that can be reduced or eliminated means more money can go back to the community. We respectfully ask that you support waiver of the $256 Minor Project Permit fee associated with our request.

Thanks for your consideration.

Mary Sansone, Immediate Past President
Arroyo Grande Rotary Club

Paul Provence
South County Historical Society