



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT:** CONSIDERATION OF TEMPORARY USE PERMIT CASE NO. 19-011; AUTHORIZING "HALLOWEEN IN THE VILLAGE" ON THURSDAY, OCTOBER 31, 2019 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES, STREET CLOSURES AND WARNING DEVICES; APPLICANT – KRISTA BANDY, HELLO VILLAGE

**DATE:** OCTOBER 8, 2019

### **SUMMARY OF ACTION:**

Approval of the Temporary Use Permit will authorize Halloween in the Village and direct staff to implement safety measures, including closure of East and West Branch Streets between Traffic Way and Mason Street, establish no parking zones, and detour automobile traffic on Thursday, October 31, 2019.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Direct equipment and staffing costs to facilitate the safety measures are estimated at \$5,000.

This includes \$2,735 from Public Works estimated as follows:

- \$1,500 for Public Works staff time and materials;
- \$850 for water barricade rentals; and
- \$385 for contractor to fill water barricades.

The remaining \$2,265 includes Police Department time and material costs as follows:

- (2) Officers on foot patrol / at Police Booth;
- (2) Officers as a Reaction Team;
- (1) Motor Officer for traffic enforcement; and
- (1) Part-time Neighborhood Services Technician for parking enforcement.

This total cost is generally consistent with last year's event. The City typically supports this and, in some cases, other community events by providing labor and equipment to assure public safety instead of requiring the applicant to reimburse the City for this work. It is recommended the Council appropriate funds from the General Fund Reserves to cover the City's costs for the event this year.

### **RECOMMENDATION:**

It is recommended the City Council adopt a Resolution approving Temporary Use Permit 19-011 and appropriating \$5,000 from the General Fund Reserves for the event.

**CITY COUNCIL  
CONSIDERATION OF TEMPORARY USE PERMIT 19-011  
OCTOBER 8, 2019  
PAGE 2**

**BACKGROUND:**

For the last 18 years, there has been an annual celebration of Halloween in the Village. This event started informally but as it has grown the City has required a formalization of the event and measures to protect the large crowds of participants with an estimated 2,500 children participating in the last few years. For the last 8 years, the Village Improvement Association (VIA) has applied for a Temporary Use Permit for consideration of "Halloween in the Village." The use of the TUP process has given an applicant to the event who can ensure coordination by the merchants and to fulfill required conditions of approval. In order to ensure safety, the City has used General Fund money to provide staff, equipment and rental costs in order to safely close East and West Branch Streets during the activities. The cost for these resources are considered and authorized during the Temporary Use Permit process.

On September 24, 2019, the City Council considered installing safety measures in anticipation of the usual large number of participants without receiving a Temporary Use Permit application. After discussion, the Council directed staff to focus on better informing the community of the Halloween Carnival and Haunted Maze at Elm Street Community Park on Saturday October 26<sup>th</sup> and to be prepared to provide basic safety coordination for residual participants. Following this conversation, a business owner has submitted an application for a Temporary Use Permit in order to act as the project applicant to organize merchants and candy donations, with the City providing its previous safety activities associated with the event.

**ANALYSIS OF ISSUES:**

The purpose of the Temporary Use Permit, which authorizes street closures and imposes safety measures and conditions, is to increase pedestrian safety by reducing pedestrian and vehicle interaction related to the crowds of children and parents who congregate and circulate on both sides of the four-block core of the Village during the event. Prior to implementing the street closure, large numbers of participants filled the sidewalks at many points and crossed at uncontrolled intersections with the help of crossing guards. Full street closure and safety measures were successfully implemented over the last eight (8) years with no incidents observed or reported.

The closure of West and East Branch Street from Traffic Way to Mason Street is recommended, including the placement of "No Parking" signs mounted on delineators 48 hours in advance of the event on West and East Branch Streets; a small section of "No Parking" signs at the corner of Mason Street and Nelson Street (to allow turning movement for commercial trucks); closure of intersections or major driveways onto East and West Branch Street, including Bridge Street, Short Street, the Car Corral, and Nevada Street; and implementation of a detour which routes automobile and truck traffic onto Traffic Way, Nelson Street and Mason Street and delineating a widened turning lane on East Branch Street at Mason Street for commercial trucks.

**CITY COUNCIL  
CONSIDERATION OF TEMPORARY USE PERMIT 19-011  
OCTOBER 8, 2019  
PAGE 3**

**ALTERNATIVES:**

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

1. Adopt the Resolution approving Temporary Use Permit 19-011 and appropriating \$5,000 from the General Fund Reserves for the event;
2. Modify the Resolution and Conditions of Approval and approve Temporary Use Permit 19-011,
3. Do not adopt a Resolution; or
4. Provide direction to staff.

**ADVANTAGES:**

Full street closure provides a safer environment for participating children and allows children to safely cross the street at any location, thus helping the event to operate more efficiently. This option does improve safety at uncontrolled intersections as compared with the use of private crossing guards and decreases the number of police officers and crossing guards needed.

**DISADVANTAGES:**

"No Parking" restrictions and the closure of sections of Branch Street will have an impact on traffic congestion and parking. Motorists not familiar with the event will have to use detours to get to their destinations, which may increase travel time.

**ENVIRONMENTAL REVIEW:**

In accordance 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 uses of land.

**PUBLIC NOTIFICATION AND COMMENTS:**

A condition of approval has been developed which will require the applicant to notify property owners and businesses located within the area of street closures and/or restricted parking. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachment:

1. Event map

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 19-011 AUTHORIZING “HALLOWEEN IN THE VILLAGE” ON THURSDAY, OCTOBER 31, 2019 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES; APPLIED FOR BY KRISTA BANDY, HELLO VILLAGE**

**WHEREAS**, the applicant applied for a Temporary Use Permit for the Halloween in the Village event which, amongst other things, helped establish conditions to ensure the safety of the children who will be visiting various Village businesses; and

**WHEREAS**, the implementation of safety measures including no parking zones and street closures will help to facilitate a safe Halloween for all individuals participating in the event and traveling through the Village area; and

**WHEREAS**, the Arroyo Grande Municipal Code (AGMC) provides for the issuance of Temporary Use Permits for events such as “Halloween in the Village”, AGMC Section 10.16.050 authorizes the City Council to restrict parking on any street, and California Vehicle Code Section 21101(e) authorizes the closure of streets for parades and local special events.

**WHEREAS**, the City Council finds, after due study, the following circumstances exist:

**FINDINGS FOR APPROVAL – TEMPORARY USE PERMIT**

1. The operation of the requested use at the locations proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare due to the use of traffic safety equipment and dedicated local law enforcement personnel.
2. The City streets to be used are adequate in size and shape to accommodate the trick-or-treat event without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the Event.
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 Event will or could reasonably be expected to generate.
4. Adequate temporary parking to accommodate vehicular traffic to be generated by the Event is available throughout the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande does hereby approve Temporary Use Permit 19-011 authorizing the following actions, with the above

**RESOLUTION NO.**

**PAGE 2**

findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference:

1. The establishment of a "No Parking" zone on East and West Branch Streets between Traffic Way and Mason Street between the hours of 2:00PM and 6:00PM;
2. "No Parking" at the corner of Mason Street and Nelson Street (to allow turning movement for commercial trucks) between the hours of 2:00PM and 6:00PM;
3. The closure of West and East Branch Street from Traffic Way to Mason Street between the hours of 2:00PM and 6:00PM;
4. The closure of intersections or major driveways onto East and West Branch Street including Bridge Street, Short Street, the Car Corral, and Nevada Street between the hours of 2:00PM and 6:00PM;
5. The implementation of a detour which routes automobile and truck traffic onto Traffic Way, Nelson Street and Mason Street and delineating a widened turning lane on East Branch Street at Mason Street for commercial trucks between the hours of 2:00PM and 6:00PM.

**BE IT FURTHER RESOLVED** that the City Council of the City of Arroyo Grande does hereby appropriate \$5,000 from the General Fund Reserves to facilitate implementation of safety measures for the event.

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 8<sup>th</sup> day of October, 2019.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**JAMES A. BERGMAN, CITY MANAGER**

**APPROVED AS TO FORM:**

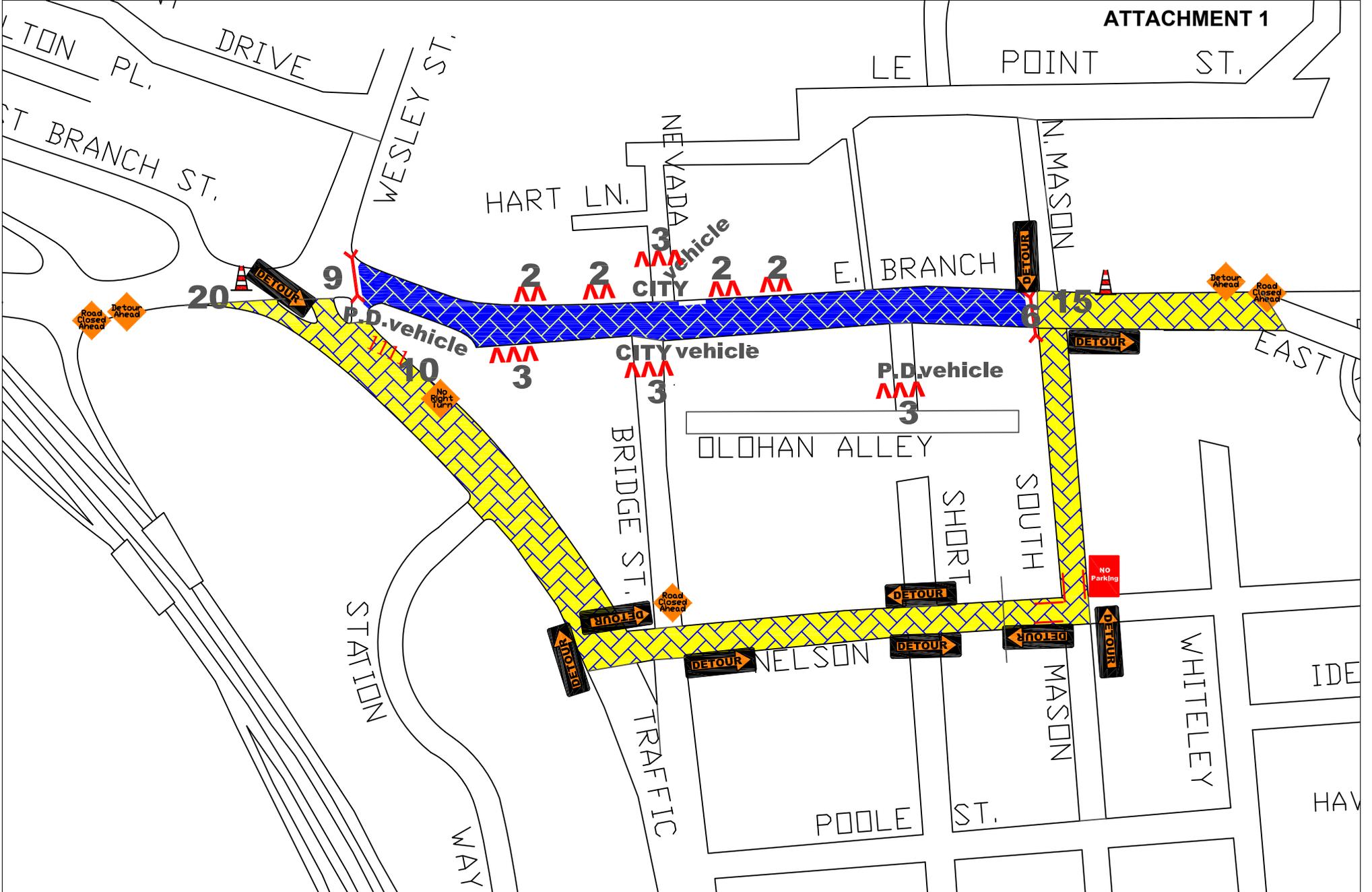
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**HEATHER K. WHITHAM, CITY ATTORNEY**

**EXHIBIT "A"  
CONDITIONS OF APPROVAL FOR  
TEMPORARY USE PERMIT NO. 19-011**

**GENERAL CONDITIONS:**

1. This Temporary Use Permit authorizes "Halloween in the Village" and directs staff to implement related safety measures including no parking zones and street closures on Thursday, October 31, 2019.
2. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
3. The event shall occur in substantial conformance with the application and plans on file in the Community Development Department.
4. The applicant shall comply with all of the Conditions of Approval for Temporary Use Permit 19-011.
5. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its agents, officers, or employees because of the issuance of said approval. The applicant 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 applicant of his/her obligations under this condition.
6. The applicant shall notify all affected businesses and residents of street closures and parking restrictions at least 48 hours prior to the event.
7. The applicant shall clean up all debris associated with the event to the satisfaction of the Public Works Director.
8. Traffic detouring shall be coordinated with the Police Department.
9. The Public Works Department shall be responsible for ordering and directing the setup of all traffic control equipment through a private purveyor.
10. The applicant shall provide a \$1,000,000 commercial general liability insurance policy naming the City as additional insured, subject to approval by the City Attorney. Proof of the insurance shall be submitted to the Director of Community Development ten (10) days before the event.
11. Vehicles associated with the costume contest shall be permitted onto Branch Street, when determined safe, to allow setup of that portion of the event.



Detour directional	
Directions sign	
Road Closed	
Detour Ahead	

	Trick or Treat Route
	Detour Route

	35 # of Orange cones
	10 # of Delineators
	20 # of "A" frame signs
	15 # of water barricades

CITY OF ARROYO GRANDE	REFERENCE NO.
<b>VILLAGE HALLOWEEN BRANCH STREET ROAD CLOSURE PLAN</b>	SHEET:
Page 8	___ OF ___