

**Item 7. d.**



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**AGENDA REPORT**

**TO:** Planning Commission

**FROM:** Steve Matarazzo, Interim Community Development Director

**MEETING DATE:** June 26, 2014

**SUBJECT:** Outdoor Seating in the Downtown Area

**CEQA:** This is information only and does not constitute a “project” under the California Environmental Quality Act (CEQA).

**RECOMMENDATION**

Receive report and direct staff to provide further input to, and receive direction from, the City Council. Following review of the existing municipal code section relating to outdoor dining, staff is requesting direction as to whether additional requirements or criteria should be added.

**DISCUSSION**

Recently, the Interim Community Development Director gave tentative approval for an outdoor seating area in front of Cafe Ariana at 543 Lighthouse Avenue. The Pacific Grove Municipal Code (PGMC) allows outdoor seating adjacent to eating establishments, subject to the Community Development Department Director’s approval, subject to several requirements (See Attachment 1, Section 15.16.045 of the PGMC). These requirements relate to adequate pedestrian passage, liability insurance, responsibility of adequate maintenance and the allowance for permit revocation should any of the pre-requisites not be satisfied. As of the writing of this report, I have still not received proof of public liability insurance. Furthermore, the temporary fencing (required by the Alcoholic and Beverage Commission when alcoholic beverages are served) is bolted to the sidewalk. As a requirement of the tentative approval, a 4 foot pedestrian clearance was required.

It should also be noted that the Monterey Peninsula Water Management District allows such seasonal outdoor dining areas without the requirement of providing any more water credits for that use. There are currently several such spots along Lighthouse, but none of them have the temporary fencing.

**ATTACHMENTS**

- 1 Section 15.16.045 of the Pacific Grove Municipal Code

RESPECTFULLY SUBMITTED:

Steve Matarazzo, Interim Community Development Director

PGMC §15.16.045 Outdoor seating adjacent to eating establishments.

The community development director shall have the authority to allow or condition placement of tables, chairs and benches on public sidewalks or similar areas adjacent to eating establishments within the C-D, C-FH and C-1 zoning districts, subject to the following restrictions and conditions:

- (a) Tables, chairs and benches (collectively hereafter for convenience, “furniture”) shall not be placed so as to obstruct pedestrian traffic, with the minimum unobstructed travel width of the sidewalk meeting ADA requirements.
- (b) Furniture shall not be attached or otherwise affixed to the sidewalk, other furniture or any permanent structure or building.
- (c) The eating establishment placing the furniture shall provide proof of public liability insurance, naming the city as an additional insured, in the amount and form subject to approval of the city attorney.
- (d) Seating shall be limited to the area immediately abutting the eating establishment.
- (e) Businesses placing furniture shall be responsible for keeping the furniture and immediately surrounding area clean and presentable at all times, and to this end shall promptly clean and remove all litter, spillage, and other materials resulting from use of the furniture.
- (f) Approved applications for placement of furniture may be revoked by the community development director at any time, for violation of any of these restrictions and conditions.
- (g) Application for placement of furniture shall be made on a form provided by the community development director. Denial of an application may be appealed to the city manager. The decision of the city manager shall be final.

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