



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,
Jan Reimers, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

CITY COUNCIL SPECIAL MEETING Tuesday, May 12, 2020 4:00 PM

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.

To attend via Teleconference; Dial in number 413-685-2642 PIN: 823 091 690 #

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.

CALL TO ORDER AND ROLL CALL

CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (one case)**

OPEN SESSION

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Consideration of providing access to the public right of way.

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, NE corner of Ocean Avenue and Lincoln Street, and the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us/carmel/> on in accordance with the applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**May 12, 2020
ORDERS OF BUSINESS**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Ashlee Wright, Director, Libraries & Community Activities
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Consideration of providing access to the public right of way.

RECOMMENDATION:

Provide staff with direction on the potential provision of access to public space and private adjacent property to restaurants for open-air operations, in anticipation of revisions to county health guidelines that will allow for the safe reopening of the economy.

BACKGROUND/SUMMARY:

INTRODUCTION

In response to the COVID-19 pandemic, City Administrator signed a Proclamation of a Local Emergency on March 12, which the City Council ratified at a Special City Council Meeting held on March 13. The Monterey County Department of Health issued a shelter-in-place order on March 17 and the State of California issued its own order on March 19.

On May 4 Governor Newsom announced that the state would be entering into Stage 2 of the Resiliency Roadmap allowing certain businesses to begin reopening under specific guidelines. On April 8, in response to the State's announcement, the Monterey County Health Officer issued an amended order that also allows certain businesses to begin reopening under certain conditions. Among those included are restaurants and retail stores.

OUTDOOR SEATING

Carmel-by-the-Sea has 52 restaurants, around 25 of which have been offering curbside pick-up or delivery options during the shelter-in-place order. Although restaurants will be able to resume dine-in services public health orders will likely continue to significantly limit indoor space for their patrons for many weeks, and likely months. Restaurants may struggle to survive with current operations at half capacity or less.

To this end many cities and communities, including Carmel, are beginning to explore the options of allowing restaurants to use public spaces where possible to offer outdoor seating, while complying with public health guidelines for social distancing.

In any situation, the City seeks to administer guidelines, processes, and regulations that will ensure the

safety of residents and visitors, protect public property, and strike an appropriate balance between the benefits of any deviation from current City policy or regulation and its associated impact on the community and environment.

Any exception from current City codes, rules, regulations, restrictions and policies governing activities on City property requires City Council authorization including street closures and consumption of alcoholic beverages on public property.

Staff is seeking Council direction on the potential provision of access to public space for open-air operations, in anticipation of revisions to county health guidelines that will allow for the safe reopening of the economy.

The City Administrator proposes that Dolores Street between Ocean and Seventh Avenues and Ocean and Sixth Avenues be closed to traffic and be utilized for outdoor seating. Dolores Street is often used for special events and is centrally located in the business district.

There are many factors for consideration when discussing a street closure in the commercial district such as:

1. What are the days/ hours that the street will be closed? How will deliveries be made to businesses when the street is closed?
2. Will restaurants be providing the tables and chairs? If so, how often will they be cleaned?
3. Will the tables be for table service or will they be available to the general public as communal tables?
4. If providing dining services at outdoor tables, and serving alcohol, how will the area be fenced off to maintain compliance with ABC regulations?
5. What are the impacts to adjacent businesses?
6. What will be the economic impact to businesses located on a street that has been closed??
7. How do you choose which street(s) will be closed?

Another option that the Council may wish to consider is encouraging businesses who are interested in using public space for open-air operations, such as sidewalks or parking stalls to work with the Community Planning and Building Department to discuss potential options.

Council may also wish to ask the business community for information on any plans they may be developing for re-opening that could further provide direction.

CONCLUSION

The purpose of this discussion is to look for ways that the City can help support our local businesses by thinking outside the box. While both options are viable, there is the potential for an increase in the need for staff time to facilitate and monitor any new program and there may not be the capacity for this in the near future. Therefore, staff expects the business community to very actively participate and indeed regulate future implementation of any such program.

FISCAL IMPACT:

Unknown at this time. However, staff expects the business community to adopt and implement any such program with minimal oversight from the City.

PRIOR CITY COUNCIL ACTION:

None specifically on this topic.

ATTACHMENTS: