

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2020-XX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING  
A DESIGN REVIEW (DR 20-266, SEVENTH & DOLORES) FOR THE PLACEMENT OF A TEMPORARY  
STRUCTURE FOR OUTDOOR DINING AT THE SEVENTH & DOLORES STEAKHOUSE LOCATED AT THE  
SOUTHEAST CORNER OF 7TH AVENUE AND DOLORES STREET  
(APN 010-145-020)

**WHEREAS**, Gregory Ahn (“Applicant”) submitted an application requesting approval of a Design Review “(DR 20-266, Seventh & Dolores)” described herein (“Application”); and

**WHEREAS**, the application has been submitted for the property located at the southeast corner of 7th Avenue and Dolores Street in the Service Commercial (SC) Zoning District (Block 91, Lots 6 & 8); and

**WHEREAS**, the Applicant is requesting the placement of a temporary structure for outdoor dining at the Seventh & Dolores Steakhouse in response to the global Coronavirus pandemic and extended period of closure of indoor dining operations associated with restaurants; and

**WHEREAS**, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

**WHEREAS**, pursuant to CEQA regulations, the Application is categorically exempt under Section 15311 (Accessory Structures); and

**WHEREAS**, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

**WHEREAS**, on November 10, 2020 the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the application; and

**WHEREAS**, this Resolution and its findings are made based upon evidence presented to the Commission at the November 10, 2020 hearing date including, without limitation, the staff report submitted by the Community Planning and Building Department; and

**WHEREAS**, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

**WHEREAS**, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Design Review:

1. On March 12, 2020 a local state of emergency was proclaimed by the Director of Emergency Services, Chip Rerig.
2. On March 19, 2020, Governor Gavin Newsom issued a shelter in place order for the entire State of California.
3. On July 7, 2020, the State of California issued a statewide order closing all bars, pubs, brewpubs and breweries and restricting indoor operations for restaurants and wine tasting rooms.
4. On July 29, 2020, the State of California updated the COVID-19 Industry Guidance for restaurants providing outdoor dining, take-out, drive-thru and delivery.
5. On August 28, 2020 the State of California Public Health Officer issued an order updating the framework for reopening, which is known as California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe. Based on this Plan, indoor dining at restaurants remains prohibited in Monterey County.
6. The closure of dine-in services and the requirement to implement social distancing protocols has significantly reduced the number of seats that can be accommodated at local restaurants.
7. Impacts to the local economy and workforce have been severe as a result of the global Coronavirus pandemic and warrant some flexibility to assist businesses in remaining viable and the workforce employed while preserving and protecting the health, safety and general welfare of the community.
8. Due to a prolonged period of restrictions affecting restaurant operations and their inability to offer dine-in services temporary provisions are being implemented to allow restaurants to continue operations.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Carmel-By-The-Sea does hereby **APPROVE** a Design Review (DR 20-266, Seventh & Dolores) for the placement of a temporary structure for outdoor dining at the Seventh & Dolores Steakhouse located at the southeast corner of 7<sup>th</sup> Avenue and Dolores Street (APN 010-145-020), subject to the following conditions of approval:

CONDITIONS OF APPROVAL		
No.		
1.	<b>Authorization.</b> Approval of this Design Review application (DR 20-266, Seventh & Dolores) permits the placement and use of a 2,000 square foot temporary structure for outdoor dining at the Seventh & Dolores Steakhouse located at the southeast corner of 7th Avenue and Dolores Street and the temporary relocation and expansion of a propane storage area.	✓
2.	<b>Tent Permit Required.</b> The applicant shall apply for and obtain a tent permit including all required inspections within 30 days of this approval becoming final. Failure to obtain a tent permit and inspections will require immediate removal of the temporary structure.	✓
3.	<b>Hours of Operation.</b> The permitted hours of operation shall be 11 AM - 10 PM seven days a week. No new customers shall be accepted after 10 PM. The restaurants closing operations shall be completed no later than 11 PM.	✓
4.	<b>Seating Capacity.</b> The approved seating capacity shall be 18 tables and 62 seats so long as all social distancing protocols are met. The Director may approve minor modifications in the number of tables and/or seats consistent with State and County guidance for outdoor dining for restaurants.	✓
5.	<b>Exterior Lighting.</b> Exterior lighting shall be consistent with the representations in the applicant's written description and the staff report. Excessive lighting or light-filter beyond the property lines is prohibited.	✓
6.	<b>Ambient Music.</b> Ambient music is permitted during the hours of operation. If the music disturbs the peace of the residents living in close proximity to the restaurant, the music shall be lowered or shall cease completely upon request by the City.	✓
7.	<b>Permit Validity.</b> This Design Review approval shall be valid for a period of 6 months OR when indoor dining operations return to full capacity, whichever occurs first.	✓
8.	<b>Permit Extension.</b> If indoor dining operations have not returned to full capacity within 6 months of this approval, the applicant may submit a request to extend the approval. Any such request shall require review and approval by the Planning Commission.	✓
9.	<b>Revocation.</b> This approval shall be subject to revocation in accordance with CMC Section 17.66.050 (Revocation).	✓
10.	<b>Safety Protocols.</b> It is the Applicant's responsibility to be informed of, and fully comply with, all industry guidance for food and drink establishments published by all applicable agencies, including but not limited to, the Center for Disease	✓

	Control (CDC), State of California Governor’s Office, California Department of Public Health, Alcoholic Beverage Control (ABC), Monterey County Health Office, and Monterey Fire Department, as amended, throughout the term of the Permit. Any unsafe or unsanitary condition shall be corrected immediately upon request by the City.	
11.	<b>Propane Storage.</b> The propane storage area shall be returned to the prior location approved under Design Review (DR 18-407). Any other modifications to the propane storage area shall require review and approval of a Design Review by the Director or his/her designee.	✓
12.	<b>Indemnification.</b> The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Michael LePage  
Chair

\_\_\_\_\_  
Margi Perotti  
Planning Commission Secretary

---

Applicant Signature

Printed Name

Date

---

Property Owner Signature

Printed Name

Date

*Once signed, please return to the Community Planning and Building Department.*