

Castagnola Deli Cafe– Sidewalk Dining Timeline

In 2020, the applicant received a Covid-19 Temporary Use Agreement approval by city staff to use a portion of the public sidewalk along the frontage and the private property on the side patio as a Covid-19 relief measure.

On July 21, 2022, the Planning Commission approved a Conditional Use Permit Amendment, Coastal Development Permit, and Design Permit to allow sidewalk dining, outdoor dining on private property, and beer and wine service.

The Covid-19 Temporary Use Agreements expired for all businesses at the end of September 2022. Invoices had been sent monthly for the temporary program. Rent for the sidewalk had been \$90 per month.

Starting in the fourth quarter of 2022, the Finance Department began to invoice businesses with dining decks or sidewalk dining quarterly for the permanent program. There also was a raise in rates with permanent program. For the subject property, rent was increased to \$324 quarterly (\$108 per month). The owner did not pay the initial quarterly invoice.

The owner was notified of the delinquency on December 9, 2022.

In January 2023, the Finance Department issued invoices for the first quarter of 2023. The City's collections policy is that lessee's that remain delinquent after notification will be billed annually rather than quarterly. The owner was issued an annual invoice and did not pay the annual invoice for 2023.

On January 31, 2023, the Finance Department mailed, and hand delivered a revised invoice deducting the month of January due to the recent storm events but added late charges to the past due Q4 2022 billing period. The owner did not pay the revised invoice.

In February 2023, the Finance Department notified the Planning Department of the past due invoices and attempts made to contact the owner.

On March 10, 2023, the Planning Department mailed a Courtesy Notice advising the owner of possible permit revocation.

On March 16, 2023, the owner made a partial payment through the city's website of \$200. The payment equaled approximately 1.85 months of rent.

On March 24, 2023, the Planning Department issued a second Courtesy Notice.

On April 17, 2023, the Planning Department contacted the owner via telephone. The owner stated that it had been a difficult year for business, and he wanted to maintain the sidewalk dining area permits. The owner asked for flexibility while he arranged for payment and to provide updated insurance information.

On May 15, 2023, the Planning Department, Public Works Department, and owner met at City Hall to discuss, in detail, the requirement for an insurance certificate and options for payment. City staff agreed to waive late fees and the owner agreed to provide an updated insurance certificate. The owner was non-committal on dates for additional payment. Planning staff

committed to following up with a formal payment deadline, so that all parties would have a clear outlook on expectations and consequences.

On May 31, 2023, the Planning Department followed up with an email to the owner requesting an updated insurance certificate and full payment by June 29, 2023.

On June 29, 2023, the owner came to City Hall and offered to make a partial payment. Planning staff declined to accept a partial payment. Later that day the owner emailed an expired insurance certificate to Planning staff. Staff informed the owner that the certificate had expired. The owner responded that he intended to abandon the effort and would remove the tables, chairs, and umbrellas from the sidewalk. The sidewalk furnishings were removed the following day.