



**Community Development
Development Services Division**
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

September 18, 2001

AJ's Restaurant and Pub
137 SW 2nd Street
Corvallis, OR 97333

RE: Sidewalk Café Permit No. CAF01-00009 for AJ's Restaurant and Pub at 137 SW 2nd Street

The City staff has completed its review of your request for a Sidewalk Café Permit at 137 SW 2nd Street. Your request has been tentatively approved subject to the following conditions:

1. The permittee is to sign the attached Sidewalk Café Permit Agreement (please sign and date at the bottom of page 2), which contains the conditions under which the sidewalk café must be operated, and return the executed agreement to City of Corvallis Development Services Division.
2. The permittee is to provide Development Services with a copy of an insurance policy which provides coverage, names the City of Corvallis as an additional insured, and contains the required endorsements as outlined in Section 8 of the Sidewalk Café Permit Agreement. Please note that the Sidewalk Café Ordinance was amended in 1998 and additional endorsements are required on the insurance policy.

Upon compliance with the above conditions, Development Services will issue the approved Sidewalk Café Permit Agreement to the permittee.

If you have questions regarding this matter, please contact me at 541-766-6929.

Joe Kasper
Associate Planner

SIDEWALK CAFÉ PERMIT AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2001, by and between the CITY OF CORVALLIS, an Oregon municipal corporation, hereinafter referred to as "City", and AJ's Restaurant and Pub, hereinafter referred to as "Permittee", the promises of each being given in consideration of the promises of the other.

WHEREAS, Permittee desires to occupy the public right-of-way for the purpose of operating a sidewalk café in accordance with Chapter 8.08 of the Corvallis Municipal Code, and

WHEREAS, Chapter 8.08 of the Corvallis Municipal Code contains certain conditions for permittee as result of the City allowing this activity;

NOW, THEREFORE, the parties agree as follows:

1. Term. This permit shall be in effect from _____, 2001 through December 31, 2001.
2. Right-of-Way Use. City hereby grants to Permittee a non-assignable right to occupy the following described right-of-way, subject to all of the terms and conditions of this Permit and Chapter 8.08 of the Corvallis Municipal Code, as currently enacted or as subsequently modified, for the purpose of operating a sidewalk café at the following location: 137 SW 2nd Street, and in a manner as shown on the attached site plan, Exhibit A, which by this reference is incorporated into and made a part of this permit.
3. Use Regulations.
 - a. The permit is specifically limited to the area described in paragraph 2 above.
 - b. Permittee shall assure that the operation of the sidewalk café shall be located such that there is at least six (6) feet from the outermost edge of the sidewalk café to the street curb, that also includes a minimum of three (3) feet of clear and unobstructed passageway between the sidewalk café tables, chairs and barriers and tree wells, bike racks, lamp posts, sign posts and any other fixtures or obstructions.
 - c. The sidewalk and all things placed thereon shall at all times be maintained in a clean and orderly condition. Should the permittee not utilize the sidewalk as authorized for a period of 48 hours, all the tables and materials shall be removed therefrom. The operation of a sidewalk café requires that trash containers be provided on site.
 - d. The sidewalk café shall not occupy or obstruct the visual clearance triangle.
 - e. No signs shall be attached to any furniture or any other structure related to the operation of the sidewalk café except as required by other use regulations.
 - f. The permittee shall hold a valid Oregon Liquor Control Commission liquor license.
 - g. Storage of containers commonly used for dispensing alcoholic beverages to customers including but not limited to bottles, pitchers, and carafes must be kept inside the business unless an employee is

stationed in the outside area at all times. No taps, kegs, coolers or other alcoholic beverage storage devices are allowed outside on the sidewalk.

h. The sidewalk café area is required to be supervised by employees of the license business, as required by the Oregon Liquor Control Commission liquor license.

i. The permittee is required to utilize solid or semi-solid portable fencing, planters or similar approved barrier of thirty-six (36) inches to forty-eight (48) inches in height, to clearly identify the licensed space.

j. All service and consumption of alcoholic beverages in the sidewalk café area will discontinue by 11:00 pm.

k. The permittee must also provide food service in the licensed area.

l. The permittee shall designate one access/exit point for the exterior service area and this point shall be located near a business entrance; and the permittee shall post signage at the access/exit point and enclosed area prohibiting the removal of alcoholic beverages from the licensed sidewalk café area.

4. Applicable Laws. Permittee agrees to comply with all applicable local, state and federal laws, rules and regulations related to the operation of their sidewalk café.

5. Assignability. This permit is for the exclusive benefit of the parties hereto. It shall not be assigned, transferred, or pledged by either party without the prior, written consent of the other party.

6. Temporary Suspension by City. City shall have the right to temporarily suspend this permit if the public interest requires use of the right-of-way for a public event, construction, repair or any other purpose.

7. Hold Harmless. Permittee shall indemnify, protect, defend, and hold the City, its officers, agents and employees, harmless against any claim for injury or damage and all loss, liability, cost, or expense, including court costs and attorney's fees, growing out of or resulting directly or indirectly from a sidewalk café permit issued by the City of Corvallis during the term of this agreement except that resulting solely from the negligence of the City.

8. Insurance. Permittee shall procure and obtain a policy of insurance naming the City of Corvallis as an additional insured with the policy limits not less than \$200,000.00 per person, \$500,000.00 per accident for bodily injury and/or property damage for all the activities and operations conducted as a result of the sidewalk permit. Permittee shall file with the City a Certificate of Insurance showing the above coverage prior to operating a sidewalk café. The certificate shall provide that the insurance company give written notice to City at least 30 days prior to cancellation or any material change in the policy and the policy shall bear the following endorsement: Without prejudice to coverage otherwise existing herein, the City of Corvallis, its officers, agents, and employees are included as additional insureds under this policy as to any claim or claims for injury to person including death, or damage to property, resulting from or growing out of the operations of the permittee within the City of Corvallis, Oregon.

9. Non-discrimination. The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, family status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this agreement.

10. Headings. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of these regulations or permit.

11. Termination.

a. The City may repeal or amend Chapter 8.08 of the Corvallis Municipal Code, and thereby terminate or modify all sidewalk café operations. Permittee shall not obtain any property right in the continued private commercial use of the public sidewalk.

b. The City may deny, revoke, or suspend the permit upon finding that any provision of this ordinance or condition of approval will be or has been violated.

IN WITNESS WHEREOF, the City and Permittee have herewith executed their signatures.

CITY OF CORVALLIS, OREGON

PERMITTEE

By: _____
Development Services Manager

Date: _____

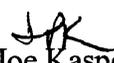
Date: _____



**Community Development
Development Services Division**
501 SW Madison Avenue
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MEMORANDUM

September 10, 2001

TO: Mike Russell, Police Department
FROM:  Joe Kasper, Development Services
SUBJECT: Sidewalk Café Permit for AJ's Restaurant & Pub

Attached is a copy of the request for AJ's Restaurant & Pub sidewalk cafe. Please review and respond by September 17, 2001.

Thanks, Joe (5039)

FOR STAFF USE ONLY

Case Number CAF01-00009 Date Filed 8-29-01
 Planner JW
 Fee \$100 paid 8-29-01 Receipt No. _____

City of Corvallis, Development Services Division
 Phone (541) 757-6929 Fax (541) 757-6936

501 SW Madison Ave., P.O. Box 1083, Corvallis, OR 97339-1083
 E-mail: devserv@ci.corvallis.or.us

Application for:



Sidewalk Cafe Permit

Application is hereby made for a revocable permit to operate a SIDEWALK CAFE in accordance with chapter 8.08 of the City of Corvallis Municipal Ordinance Code.

Restaurant Name AJ'S RESTAURANT AND PUB Phone # (541) 752-7570
 Address 137 SW 2nd
 Assessor's Map # 11535 DC Tax Lot 10600
 *The Assessor's Map # (township/range/section) and the Tax Lot # (parcel number) is located on your tax statement in the upper left side or at the Assessor's Office

Property Owner BRYAN BAKER PRINT NAME Property Owner Signature Bryan Baker
 Property Owner Address 4200 N. Walnut Blvd Phone 752-0412
 Lot Area _____ Development district (i.e zone) _____

Attachments: Site Plan (required) Floor Plan Elevations
 *If diagrams are larger than 11" x 17", please submit 4 copies

Applicant holds a current Oregon Liquor Control Commission (OLCC) license: Yes No

Fees: Food and/or non-alcoholic beverages: \$50.00
 Alcoholic beverages: \$100.00

I shall hold the City of Corvallis, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this permit.

Applicant Name ASS on Second Applicant Signature Bryan Baker Pres
 Date: 8-28-01

Development Services Signature _____ Date _____ Approved Denied
 Police Department Signature _____ Date _____ Approved Denied

CITY OF CORVALLIS

PUBLIC NOTICE

AJ's Restaurant and Pub has filed for a sidewalk café permit with City of Corvallis Development Services. The applicant is proposing to use a portion of the public sidewalk along SW 2nd Street adjacent to the business at 137 SW 2nd Street for outdoor seating (see back of notice for the site plan). The site is located in the Central Business (CB) District.

As a property owner, or tenant, a public notice has been mailed to you for your review.

Based on City staff comments and those of adjacent parties, the Development Services Manager shall review the proposed sidewalk café permit and shall either approve, conditionally approve, or deny the request by September 18, 2001.

A sidewalk café permit will be approved where the Development Services Manager finds the following criteria have been met:

- a. The proposed sidewalk café use will not impede sidewalk users or limit their free and unobstructed passage by providing a continuous clear passageway with a minimum width of three feet.
- b. The proposed sidewalk café is associated with a structure which is located within ten feet of the public sidewalk and which is located in one of the of the following development districts: Central Business (CB); Central Business Fringe (CBF); Shopping Area (SA); or Shopping Area - University (SA-U).
- c. The proposed sidewalk café will be in conformance will all applicable provisions of Chapter 8.08 of the Corvallis municipal Code.

If you wish to comment on the proposed sidewalk café permit, comments must be in writing and received by Development Services (P.O. Box 1083, Corvallis, Oregon 97339) by September 17, 2001.

A letter containing the Development Services Manager's decision will be mailed to those people who have submitted comments in response to this notice. Additional information regarding this request may be obtained at Corvallis Development Services, 501 SW Madison Avenue, 766-6929 (contact Joe Kasper).

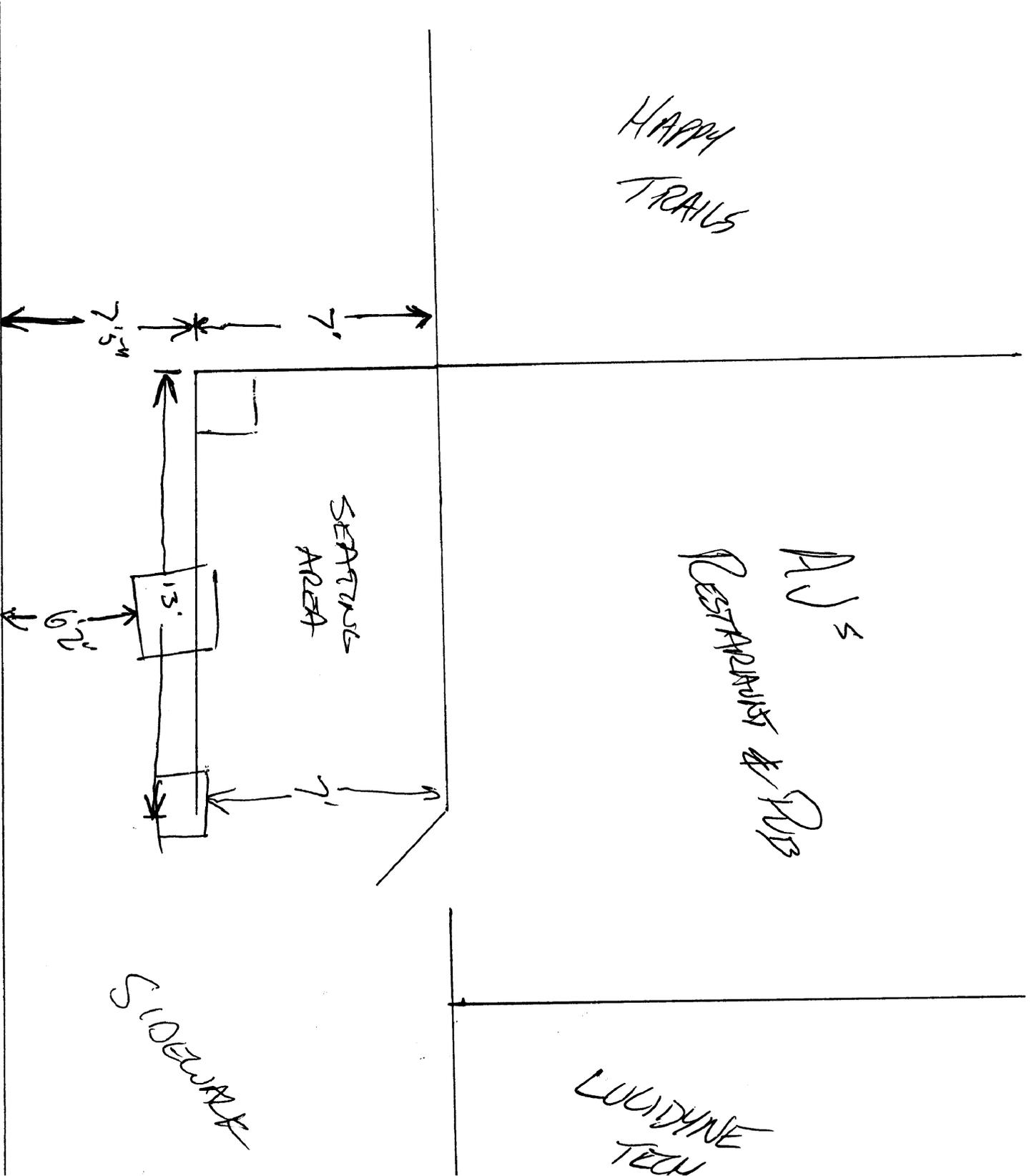
HAPPY TRAILS

AD'S RESTAURANT & PUB

LUUDYNE TECH

SEATING AREA

SIDEWALK



~ ~ ~ ~ ~

1535DC-10700000
JCIDYNE TECHNOLOGIES INC
55 SW MADISON AVE
ORVALLIS, OR 97333-4707

11535DC-10600000
BAKER BRYAN K & MARGARET A
4200 NW WALNUT BLVD #14
CORVALLIS, OR 97330

1535DC-10500000
ESSEL STEVE
18 NW 15TH ST
ORVALLIS, OR 97330

11535DC-08200000
CRYSTAL KNIGHTS LLC
223 NW 2ND ST
CORVALLIS, OR 97330

133

135

136 SW 2nd St.

138

142

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*11 notices
mailed on
9-6-01*

HAPPY TRAILS

AJ'S RESTAURANT & PUB

LUCIDYNE TECH.

SIDEWALK

ROAD

