MEMORANDUM

To: Urban Services Committee

From: Ken Gibb, Community Development Director

Date: May 9, 2007

Subject: Sidewalk Café Permit Work Sessions & Transmittal of Completed Jurisdictional Research Project conducted by Intern, Justin Fuller

In a memorandum to USC dated April 18, 2007, staff recommended slightly refining the sidewalk café permit review process by adding two work sessions. The purpose of the two work sessions is simply to provide the public with an opportunity to voice comments or concerns regarding the current sidewalk café ordinance and related standards. A suggested format for receiving comments is:

- Introduction of the subject by staff
- Committee open session for receiving citizen feedback
  a) State their name and organization if any
  b) Keep testimony to 5 minutes each
- Committee to briefly discuss and direct staff if any follow-up is needed
- Recording of comments
- Dismissal

It is suggested that the committee reconvene after the two work sessions to consider feedback and consider the online survey results. Online survey results will be available to the committee on Friday, June 1. The committee may desire to provide direction for staff to consider in developing code modification options. Staff will consider committee input and develop code modification options for committee review by June/July time frame.

In addition, Intern Justin Fuller has completed his research of the acknowledged comparator cities. Justin's report is in Attachment 1 for committee consideration. Other attachments include:

Att 2 Current copies of Corvallis Municipal Code section 8.08 & 8.03
Att 3 Copy of E-mail to a list of interested parties
Att 4 Notice and invitation for interested parties to attend committee work sessions or take online survey
Att 5 Mailing list of current and last years' café permit holders
Att 6 Online survey questions w/out responses

Review and Concur:

Jon S. Nelson, City Manager

Prepared by:
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Community Development Department

10 May 2007

Introduction:

The City of Corvallis has begun a process to review its ordinances governing sidewalk cafes. Of particular interest in this process are the amount of space that is set aside for unimpeded pedestrian use and the requirements for the service of alcohol. To assist in this review, information was gathered from 10 different jurisdictions and feedback was gathered from citizens of Corvallis.

Pedestrian passage and alcohol service requirements were two of the primary issues being looked at in this analysis. These requirements for Corvallis are:

- 6 feet of space between the curb and café fixtures.
- 3 feet of unimpeded space between café and street fixtures.
- A 36 to 48 inch high fence around cafes that serve alcohol.
- Alcohol service is required to stop at 11 p.m.

Matrices 4 and 6 compare other jurisdictions' ordinances in these areas with Corvallis'. A summary of the differences/similarities is located at the end of this document.

Method:

Information from other jurisdictions was gathered through a questionnaire emailed to the appropriate city agency as well as a review of those jurisdictions' ordinances. Many of these ordinances have been published online. These comparator jurisdictions were:

- Kirkland, WA
- Olympia, WA
- Albany, OR
- Ashland, OR
- Bend, OR
- Eugene, OR
- Lake Oswego, OR
- Portland, OR
- Salem, OR
- Springfield, OR

It should be noted that, at the time this introduction was written, neither Portland nor Kirkland had returned their questionnaire. This results in some data being missing in the following matrices for these cities. This missing data is primarily about enforcement, number of issued permits, and revenue. Information regarding alcohol service and pedestrian passageways was available through other methods.

Because Corvallis has a unique and interested population citizen preferences and feelings were also obtained. Citizen feelings were gathered several ways. First, Community Development Services personnel attended meetings of stakeholder groups to discuss sidewalk

café issues. Second, a survey was published on the City website that allowed citizens to provide feedback. Questions included forced choice responses as well as open ended responses that allowed for a variety of different opinions to be included in the discussion. The survey was opened to the public in mid-April and was closed at the end of May.

Information gathered through the questionnaire and ordinance comparison is summarized in matrix format. The matrices are ordered as follows:

- Matrix 1: Governing Ordinance and Website Address.
- Matrix 2: City Population, Permitting Agency, and Fees.
- Matrix 3: Number of Permits Issued and Revenue Generated.
- Matrix 4: Physical and Other Requirements.
- Matrix 5: Cleanliness/Hygiene and Fencing Standards.
- Matrix 6: Alcohol and Hour Restrictions.
- Matrix 7: Enforcement.
- Matrix 8: Insurance Requirements.

Goal:

The goal of this analysis is to provide information that is useful in determining how to best structure ordinances governing sidewalk cafes in Corvallis given the unique character of the community.

Summary:

- The 3 feet for pedestrian passage that Corvallis code requires is less than other jurisdictions. Among the jurisdictions that were surveyed, Lake Oswego requires 4 feet of unobstructed passage and all others require at least 5 feet.

- Corvallis regulates the service of alcohol more stringently than other jurisdictions. Many other jurisdictions allow alcohol service in permit areas with only OLCC certification. Corvallis, however, requires additional fencing, the service of food, and that alcohol service ends by 11 p.m.

- Corvallis and Olympia are the only jurisdictions that do not have online versions of their sidewalk café regulations.

- Corvallis's fees for sidewalk cafes are among the highest flat rates. The fees are much lower when compared to the sliding fee scales other jurisdictions use, however.

- Corvallis issues more sidewalk café permits than most other jurisdictions of similar size.

- Corvallis is consistent with other jurisdictions' limitations on signs and transfer of permit.

- Corvallis is consistent with other jurisdictions' regulation of café cleanliness. Corvallis regulates fencing more stringently than other jurisdictions when alcohol is being served. Many jurisdictions do not require fencing around sidewalk cafes when alcohol is being consumed.

- The penalties for non-compliance that Corvallis can levy on permittees are heavier than most jurisdictions. Most jurisdictions may revoke sidewalk café permits for non-compliance while Corvallis can both revoke and levy a $500 fine.

- Corvallis is consistent with other jurisdictions' hold harmless requirement. Corvallis is also similar in how much liability insurance coverage is required. It should be noted that this is the minimum and many of the larger jurisdictions require larger liability insurance policies.

Matrix 1: Sidewalk Café Governing Ordinances and Website Address.

Almost all jurisdictions have ordinances governing sidewalk cafes to some extent. Albany is the only exception and has no regulations governing sidewalk cafes. Olympia has no ordinance governing sidewalk cafes. However, they have recently instituted a permit for cafes with the only requirement being a 6 foot pedestrian path governed under a separate provision of city code.

It should be noted that the individual who normally deals with these issues in Salem has recently quit and information gathered from their replacement is sketchy in some areas. Also, Portland and Kirkland did not return their questionnaire in time to be included.

Corvallis is the only jurisdiction that does not have their ordinance available in an online format. Olympia's regulation of sidewalk cafes is wrapped into their regulation of public right of way.

City	Governing Ordinance:	Available From:
Kirkland	19.04	http://kirklandcode.ecitygov.net/CK_KMC_Search.html
Olympia	9.16.18	http://olympiamunicipalcode.org/
Albany	N/A	N/A
Ashland	6.44	http://www.ashland.or.us/Code.asp?CodeID=0
Bend	7.280	http://www.ci.bend.or.us/online_forms_and_documents/bend_code_laws.html
Corvallis	8.08	Not online
Eugene	3.335	http://www.eugene-or.gov/portal/server.pt/gateway/ PTARGS_0_2_5848_319_0_43/http; /cesrv501/lf7citycode/Home.aspx
Lake Oswego	42.19	http://www.ci.oswego.or.us/tools/CityCode/GetCode.aspx?42
Portland	17.25	http://www.portlandonline.com/auditor/index.cfm?c=28148
Salem	42.140	http://www.cityofsalem.net/departments/slegal/codes/
Springfield	7.900	http://www.qcode.us/codes/springfield/

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Matrix 2: City Population, Permitting Agency, and Fee.

The populations of the comparator cities range from 20,880 in Ashland to 556,000 in Portland. The permitting agency tended to be either Public Works or City Engineering. Eugene, however, has adopted a novel strategy for implementing permitting policy. They have allowed a non-profit association of downtown business owners to control permits in the downtown area. The fee structure for the permit among different jurisdictions is highly varied. Most permits are issued on an annual basis; however, permits in Bend do not expire. Payment for fees tends to be required once a year with the exception of Bend and Eugene. Bend has a one time fee while Eugene has a yearly fee plus monthly fees. Fees can also be flat or graduated. Methods for graduating fees include graduations based on the square footage of the permit area or the number of seats in the sidewalk café.

City	Population	Permitting Agency	Fee
Kirkland	45,740	Public Works	$560 plus $.63 per square foot
Olympia	44,114	Community Planning and Development	No Charge
Albany	45,360	N/A	N/A
Ashland	20,880	Public Works	Initial - $250 and $30 per seat with a minimum of $100 Renewal - $30 per seat with a minimum of $100
Bend	70,330	City Administration	$77
Corvallis	50,770	Development Services	$100 for cafes that serve alcohol $50 for cafes that do not serve alcohol
Eugene	146,660	Downtown Eugene Inc.	Initial - $100 Renewal - $25 Monthly - $50 for 5 or fewer tables and an additional $10 for each table greater than 5
Lake Oswego	36,075	Planning	$150 for cafes that serve full meals $25 for cafes with limited food service
Portland	556,370	Dept. of Transportation	$10
Salem	147,250	Public Works	$94.10
Springfield	57,065	Public Works	$25

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Matrix 3: Number of Permits and Revenue.

Corvallis seems to issue more sidewalk café permits than other cities of comparable size. It should, however, be noted that the number of permits issued annually listed below are estimates provided by the contact individual in each city. Revenues generated through permit fees seem designed to cover the costs of the permitting agency and several jurisdictions expressly noted this.

City	Number of Permits Issued Annually	Revenue Generated through Fees
Kirkland	No Answer	No Answer
Olympia	4	None
Albany	N/A	N/A
Ashland	10	Cover Costs
Bend	5-10	Cover Costs
Corvallis	22	$1,350
Eugene	15-20	$3,000 - $5,000
Lake Oswego	2	No Answer
Portland	No Answer	No Answer
Salem	No Answer	No Answer
Springfield	4-5	$100-$125

Matrix 4: Physical and Other Requirements.

Physical requirements of the sidewalk café regulations tend to vary while the other requirements tend to be more homogenous. Physical requirements are those that govern how much space there needs to be between the sidewalk café fixtures and various fixtures in the right-of-way. Other requirements are those that govern the appearance of sidewalk cafes or the behavior of customers and staff in relation to the public. The physical requirements can be broken down into two parts. The first is the absolute distance between café fixtures and the curb. The second set of requirements are those that require a certain clear distance from café fixtures to street fixtures. For example, Corvallis requires 6 feet between the sidewalk café fixtures and the curb while at the same time requiring 3 feet of clear passage between café fixtures and street fixtures. No jurisdiction explicitly allows signs within permit areas.

City	Physical Requirements	Other Requirements
Kirkland	6 ft. pedestrian corridor Table area of sufficient size and configuration to provide internal customer and food circulation service	Design of street furniture subject to city approval No signage
Olympia	6 ft. pedestrian corridor	None
Albany	N/A	N/A
Ashland	6 ft. between seating and fixtures/curb 5 ft. between café and driveways/alleys 10 ft. between café and intersections	Public notice of sidewalk café application Permit is non-transferable No signage
Bend	5 ft. pedestrian passageway Requires compliance with vision requirements contained in zoning ordinance For every 4 seats above 20 the café must provide an off-street parking space	Permit is non-transferable
Corvallis	3 ft. of unobstructed pedestrian space 6 ft. between outermost edge of café and the curb 25 ft of unobstructed vision clearance triangle	Permit is non-transferable No signage
Eugene	For every 4 seats above 20 the café must provide an off-street parking space 5 ft. of unobstructed passage 10 ft between café and driveways, handicapped parking spaces, and crosswalks	None

	12 ft. between café and the curb of a bus stop 50 ft. between café and emergency or urgent care health facility, school, and police or fire station	
Lake Oswego	2 ft. at least between curb and seating 4 ft. of unobstructed passage 6 ft. between café and disabled parking spaces 10 ft. between café and driveways/alleys Must not be located in any area where people enter/exit public transportation The floor of the café shall remain at the same level as the sidewalk.	Permittee shall ensure that patrons and employees do not disturb people using the sidewalk or those on adjacent properties No amplified music or entertainment without a permit
Portland	6 ft. of clear passage 12 ft. of sidewalk	Permit is not transferable
Salem	3 ft. vehicle buffer zone 5 ft. pedestrian path	Permit is not transferable
Springfield	60 inches of unimpeded sidewalk available for pedestrians	Permit is not transferable

Matrix 5: Cleanliness/Hygiene and Fencing Standards.

Most jurisdictions had regulations governing the cleanliness of sidewalk cafes while only a few had regulations governing fencing. Only Kirkland, Eugene, and Corvallis have regulation of fencing. Regulation of sidewalk café cleanliness tends to revolve around the provision of trash containers and daily cleanup of trash generated by the operation of sidewalk café. Most of the cleanup regulations only apply to the permit area but Kirkland requires that 50 feet on either side of the permit area to be cleaned daily as well.

City	Cleanliness/Hygiene Requirements	Fencing Requirements
Kirkland	Provide 1 or more trash container and 1 or more ash trays No food preparation in the permit area The permit area and 50 ft. on either side shall be cleaned once a day No animals except guide dogs allowed in the permit area	Permit area is to be separated from the pedestrian corridor by approved devices A single opening through the fence for customer use When alcohol is being served the fence shall be 3.5 ft. tall
Olympia	None	None
Albany	N/A	N/A
Ashland	Trash containers must be on site All cafes must meet the requirements of the County Health Dept No smoking in permit area	None
Bend	None	None
Corvallis	Trash containers must be on-site Permit area must be maintained in a clean and orderly manner	When alcohol is being served an approved barrier of 36-48 inches in height must be used to demarcate the permit area
Eugene	None	Fencing must not be bolted down and must be easy to remove
Lake Oswego	The sidewalk and all café fixtures on the sidewalk must be kept in a clean and attractive state	None
Portland	Trash containers must be located on site Permit area must be kept clean	None
Salem	The sidewalk and all fixtures shall be maintained in a clean and attractive condition	None
Springfield	None	None

Matrix 6: Alcohol and Hour Restrictions.

When jurisdictions regulate the service of alcohol in addition to OLCC requirements they tend to regulate fencing, food requirements, and hours that alcohol may be served. The stringency of these food service requirements range from Kirkland where alcohol may only be served in conjunction with the consumption of a meal to Ashland where the café is only required to serve food in the permit area. When jurisdictions regulate the hours of operation of sidewalk café they only limit the hours alcohol is available or limit the sidewalk café portion of a business to normal operating hours.

City	Requirements for the Service of Alcohol	Restrictions on Hours of Operations
Kirkland	Fencing is required to be at least 3.5 ft. tall around cafes that serve alcohol Alcohol may only be consumed in conjunction with consumption of a meal No alcohol may be taken from or into the permit area	None
Olympia	Valid Washington state liquor license	None
Albany	N/A	N/A
Ashland	Approval of Chief of Police. Valid OLCC license. Café must also serve food.	Sale of alcohol ends at 11 p.m.
Bend	Valid OLCC license.	None
Corvallis	Valid OLCC license Food service must be provided in permit area One entry and exit point for fencing in alcohol service areas	Sale of alcohol ends at 11 p.m.
Eugene	OLCC regulations	None
Lake Oswego	OLCC regulations	None
Portland	No Answer	None
Salem	No Answer	The sidewalk café shall be limited to the normal hours of operation of the business
Springfield	OLCC regulations	None

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Matrix 7: Enforcement.

The enforcement of regulations governing sidewalk cafes tends to fall to code enforcement officials in Community Development offices or Public Works offices. Regulatory officials tend to find out about infractions of code via citizen complaint. The number of complaints in jurisdictions tends to be low with one or two complaints per year. Most jurisdictions have penalties for non-compliance which range from fines to revocation of the permits. Most jurisdiction contacts noted, however, that they rarely need to impose penalties because permittees, upon being contacted by officials, tend to rectify the infraction.

City	Enforcement Agency	How Violations are Discovered	Annual Number of Complaints	Penalty for Non-Compliance
Kirkland	No Answer	No Answer	No Answer	No Answer
Olympia	Community Planning and Development	Via complaint	Few	1st - $50 fine 2nd - $125 fine 3rd - $250 fine
Albany	N/A	N/A	N/A	N/A
Ashland	Public Works	Via complaint	~1	Revocation of permit
Bend	Community Development / Code Enforcement	Via complaint	Rare	Revocation of permit
Corvallis	Development Services	Via complaint		Up to a $500 fine Revocation of permit
Eugene	Public Works	Via complaint	~2	Revocation of permit
Lake Oswego	City Engineering	Via complaint	1	$100-$1,000
Portland	City Engineer	No Answer	No Answer	Revocation of permit
Salem	No answer	No answer	No answer	No answer
Springfield	Public Works	Via complaint	None	Revocation of permit

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Matrix 8: Insurance Requirements.

The majority of jurisdictions have insurance requirements the permittee must have before a permit will be issued. Insurance requirements tend to be two-pronged. First, in most jurisdictions, the permittee needs to sign a statement absolving the municipality of any responsibility for activities carried on under the terms of the permit. The second requirement is that the permittee needs to obtain liability insurance.

City	Statement to Hold Harmless	Liability Insurance Requirements
Kirkland	Required	Not less than $300,000 per occurrence
Olympia	No Answer	No Answer
Albany	N/A	N/A
Ashland	Required	Insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act.*
Bend	Required	In a form and amount determined by the city manager
Corvallis	Required	Insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act.*
Eugene	Required	The licensee shall provide the insurance coverage, for a single limit policy of $500,000
Lake Oswego	Required	Insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act.*
Portland	Required	Such insurance shall provide coverage of not less than $100,000 for bodily injury for each person, $300,000 for each occurrence and not less than $300,000 for property damage per occurrence.
Salem	Required	Such insurance shall provide coverage of not less than $200,000 for bodily harm for each person, $500,000 for each occurrence, and property damage of not less than $50,000 per occurrence.
Springfield	Required	None

***Municipal Tort Liability under Oregon Tort Claims Act:**

30.270 Amount of liability. (1) Liability of any public body or its officers, employees or agents acting within the scope of their employment or duties on claims within the scope of ORS 30.260 to 30.300 shall not exceed:

(a) $50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.

(b) $100,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence unless those damages exceed $100,000, in which case the claimant may recover additional special damages, but in no event shall the total award of special damages exceed $100,000.

(c) $500,000 for any number of claims arising out of a single accident or occurrence.

From: <http://www.leg.state.or.us/ors/030.html>

Chapter 8.08

Sidewalk Cafes

Sections:

8.08.010 Purpose.
8.08.020 Permit required.
8.08.030 Definitions.
8.08.040 Permit fee.
8.08.050 Permit application.
8.08.060 Notice required.
8.08.070 Location rules and review criteria.
8.08.080 Liability and insurance.
8.08.090 Forms and conditions of permit.
8.08.100 Denial, revocation or suspension of permit.
8.08.110 Consumption of alcoholic beverages.
8.08.120 Penalties.

Section 8.08.010 Purpose.

The purpose hereof is to permit and encourage sidewalk vending that is compatible with other uses of the public sidewalk. The City finds that sidewalk cafes encourage a pedestrian-oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.
(Ord. 89-33 § 2, 1989)

Section 8.08.020 Permit required.

Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the City is prohibited unless a permit is obtained from the Building Official as provided herein.
(Ord. 89-33 § 3, 1989)

Section 8.08.030 Definitions.

1) Abutting property owners and occupants - Any owner or occupant of property which abuts the subject sidewalk cafe site excluding public right-of-way; and any other person who has requested in writing to be provided such notice.

2) Adjacent sidewalk area - That portion of the public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

3) Operate a sidewalk cafe - Serving food or beverage from a restaurant to patrons seated at tables located within the adjacent sidewalk area, including, in the case of a permittee in possession of a valid license for the sale of alcohol beverages covering such sidewalk area, the service of such beverages, or providing seating for patrons in the adjacent sidewalk area.

4) Vision clearance triangle - A vision clearance triangle is that area which abuts streets, alleys or driveway intersections whether on the subject property or the abutting property. The vision clearance triangle is determined by measuring 25 feet in both directions from the intersecting curb lines along the edge of the rights-of-way and/or the edge of driveways and alleyways.
(Ord. 98-34 § 2, 09/08/98; Ord. 93-24 § 1, 10/18/93; Ord. 89-33 § 4, 1989)

Section 8.08.040 Permit fee.

The fee for the permit described in Section 8.08.020 shall be as specified in Chapter 8.03.

(Ord. 89-33 § 5, 1989)

Section 8.08.050 Permit application.

1) Application for a permit to operate a sidewalk cafe shall be made at the Development Assistance Center on a form provided by the Building Official. Application for a permit will minimally contain:

a) A completed application;

b) A diagram of the area for sidewalk cafe use, with dimension shown;

c) A certificate of insurance and endorsement form; and

d) The location and description of the tables and materials requested to be in the right-of-way.

2) Information shall be provided as required by the Building Official to carry out the purpose hereof.
(Ord. 98-34 § 2, 09/08/98; Ord. 89-33 § 6, 1989)

Section 8.08.060 Notice required.

Prior to rendering a decision, the Building Official shall mail abutting property owners and occupants notice that an application for a sidewalk cafe has been filed. The notice shall contain the diagram submitted by the applicant, state whether or not the business is licensed to serve alcoholic beverages which may be served and consumed at the sidewalk cafe, if the permit is granted, and state that all comments concerning the proposed sidewalk cafe must be received by the Development Assistance Center within ten (10) calendar days from the date of mailing the notice.
(Ord. 98-34 § 2, 09/08/98; Ord. 89-33 § 7, 1989)

Section 8.08.070 Location rules and review criteria.

1) The Building Official shall review the application for its compliance with the following criteria:

a) The operation of a sidewalk cafe is limited to structures which are sited within 10 feet of a public sidewalk, and which are located in one of the following development districts: Central Business (CB); Central Business Fringe (CBF); Shopping Area (SA); or Shopping Area -University (SA-U); Mixed Use Employment (MUE); Mixed Use Commercial (MUC).

b) The operation of a sidewalk cafe shall be located such that there is at least six (6) feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of three (3) feet of clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and tree wells, bike racks, lamp posts, sign posts and any other fixtures or obstructions.

c) Additional restroom facilities may be required if the additional seating capacity created by a sidewalk cafe causes an increase in the required fixtures under table No. 5-E of the Oregon Structural Specialty Code.

d) The location of the sidewalk cafe operation shall be as approved by the Building Official.

2) The Building Official will forward all applications for review by the Police Chief or designee for any business who holds a valid liquor license, or in which alcoholic beverages are intended to be served.

a) The Police Chief or designee upon review of application will sign the application for concurrence with granting the license, or,

b) Submit a memorandum of concerns to be forwarded to City Council for consideration, signing the application in a location that acknowledges review of application.
(Ord. 98-34 § 2, 08/17/98; Ord. 89-33 § 8, 1989)

Section 8.08.080 Liability and insurance.

A signed statement that the permittee shall hold harmless the City, its officers and employees, and shall indemnify the City, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damages insurance as will protect permittee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such

insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Corvallis as an additional insured by attaching an endorsement to the certificate of insurance (provided by the City). Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days written notice to the city.
(Ord. 98-34 § 2, 09/08/98; Ord. 89-33 § 9, 1989)

Section 8.08.090 Forms and conditions of permit.

The permit issued shall be in a form deemed suitable by the Building Official. In addition to naming the permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1) Requirements for all sidewalk cafes:

a) Each permit issued shall terminate December 31st of the year in which issued.

b) The permit issued shall be personal to the permittee only and is not transferable in any manner.

c) The permit may be temporarily suspended by the Building Official if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose.

d) The permit is specifically limited to the area approved or as modified by the Building Official, and will include a diagram indicating the area approved for the sidewalk cafe and the location of the tables and materials permitted to be in the right-of-way.

e) The operation of a sidewalk cafe shall be located such that there is at least six (6) feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of three (3) feet of clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and tree wells, bike racks, lamp posts, sign posts and any other fixtures or obstructions.

f) The sidewalk and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the diagram may be stored in the public right-of-way when the sidewalk cafe is not in operation. 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 cafe requires that trash containers be provided on site.

g) All required building modifications or parking improvements shall be completed prior to the commencement of the operation of the sidewalk cafe.

h) No signs shall be attached to any furniture or any other structure related to the operation of the sidewalk cafe.

i) The permittee shall notify the Building Official when operation of the sidewalk cafe commences.

j) No use of City fixtures will be allowed.

k) Sidewalk cafes shall not occupy or obstruct the visual clearance triangle.

l) Council has the right to repeal or amend this Chapter and thereby terminate or modify all sidewalk cafe operations. No permittee shall obtain any property right in the continued private commercial use of the public sidewalk.

2) Businesses which intend to serve alcoholic beverages at the sidewalk cafe must additionally meet the following requirements:

a) The business shall hold a valid Oregon Liquor Control Commission liquor license.

b) 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.

c) Sidewalk cafes where alcoholic beverages are served and consumed require supervision by employees of the license business, as required by the Oregon Liquor Control Commission liquor license.

d) Each business serving alcoholic beverages at the sidewalk cafe 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.

e) All service and consumption of alcoholic beverages at sidewalk cafes will discontinue by 11:00 pm.

f) All alcoholic beverage service providers must also provide food service in the licensed area.

g) Sidewalk cafes shall designate one access/exit point for the exterior service area and this point shall be located near a business entrance; and shall post signage at the access/exit point and enclosed area prohibiting the removal of alcoholic beverages from the licensed sidewalk cafe area.
Ord. 98-36 § 1, 09/08/1998; Ord. 98-34 § 2, 09/08/1998; Ord. 93-24 § 2, 10/18/93; Ord. 89-33 § 10, 1989)
(98-34, Amended, 09/08/1998; 98-36, Amended, 09/08/1998)

Section 8.08.100 Denial, revocation or suspension of permit.

1) The Building Official may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.

2) Upon denial, revocation, or suspension the Building Official shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective immediately, but the applicant or permittee may make written request, within 10 calendar days after the notice is issued, for a hearing by the Building Official. Upon hearing the matter, the Building Official shall render a final decision concerning the permit.
(Ord. 89-33 § 11, 1989)

Section 8.08.110 Consumption of alcoholic beverages.

The provisions of Section 5.03.040.010.06 notwithstanding, patrons, while seated at a sidewalk cafe licensed to sell alcoholic beverages, may possess and consume such beverages.
(Ord. 98-34 § 2, 09/08/98; Ord. 93-24 § 3, 10/18/93; Ord. 92-27 § 2, 1992)

Section 8.08.120 Penalties.

Any violation hereof is an infraction punishable by a fine of up to $500. A violation may be prosecuted as a Class A infraction under the procedures of ORS 153.110 to 153.310. The City Manager or person designated by the City Manager is authorized to issue a citation to any person violating the provisions herein.
(Ord. 89-33 § 12, 1989)

Section 8.03.300.070 Special fees.

The following fees are applicable to specific events or situations:

1) Concrete Finisher Prequalification - $25.00 (licensed under Section 2.15.080).

2) Appeals:

a) Board of Appeals [Section 9.01.090, 9.02.110 and 7.08.020] - $50.00;

3) Structure relocation permit [Section 9.01.110] - $100.00;

4) Street cut [Section 2.03.040]:

a) Local or residential street - $50.00,

b) Arterial or collector street - $100.00;

5) Permit to occupy public right-of-way [Section 6.02.010] - $25.00;

6) Sidewalk cafe permit [Section 8.08.020]:

a) Food and/or non-alcoholic beverage service - $50.00,

b) Alcoholic beverage service - $100.00;

7) Parking lot construction permit [Ordinance 93-20, Section 4.1.40] - $.04/sq. ft.; min. fee $50.00; max. fee $500.00;

8) Curb cut permit [Section 2.15.070]:

a) Single-family dwelling - $75.00,

b) Multi-family, commercial, or industrial - $150.00;

9) Sidewalk construction permit [Section 2.15.070]:

a) New sidewalk - $25.00,

b) Repair/replacement - $10.00;

10) Application for street name or address change [Council Policy CP 91-9.05] - $50.00 minimum, $1.00 for each additional lot in excess of 18;

11) License to occupy the public right-of-way - $100.00.

(Ord. 2002 § 10, 07/15/2002; Ord. 98-34 § 1, 09/08/1998)

Carlson, Dan

From: Carlson, Dan
Sent: Thursday, May 03, 2007 11:19 AM
To: Carlson, Dan
Subject: Corvallis Sidewalk Café Permits

Attachments: Sidewalk Cafe, USC notice.pdf

Hello,

FYI - I have attached a meeting notice for Urban Services to hear public comments on sidewalk café's. The notice also includes refrence to the online survey we are conducting. The attached notice is being e-mailed or mailed to the following groups. E-mails are blind-copied as part of our e-mail distribution. If you have any questions, concerns, or suggestions please do not hesitate to contact me. Also, feel free to forward this notice to anyone you feel might be an interested party. Thank you!
-Dan Carlson
Corvallis, Development Services Manager
(541)766-6929

Groups
Access Benton County
Downtown Corvallis Association
Corvallis/Benton Chamber
Current and Last year's sidewalk café permit holders
ASOSU
OLCC
BPAC
CIBA

Sidewalk Cafe, USC notice.pdf ...

www.ci.corvallis.or.us

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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

To: **Interested Parties**

Date: **May 1, 2007**

Subject: **Sidewalk Café Permits - Input Opportunities**

The Corvallis City Council, through the Urban Services Committee, is considering changes to the Sidewalk Café ordinance. The committee is interested in hearing your feedback.

There are two upcoming meetings of the Urban Services Committee where sidewalk café permit regulations will be discussed. Both meetings will be held in the Madison Meeting Room at 500 SW Madison, Corvallis. The meeting times are:

Tuesday, May 22, 2007, at 4:00 P.M.
Wednesday, May 30, 2007, at 5:30 P.M.

In addition to these opportunities, there is an online survey that parties can take to communicate their opinions about the café's to the Urban Services Committee. The survey can be found at the City of Corvallis' main webpage in the center column near the bottom, you may have to scroll down to see it. The web address for the city is www.ci.corvallis.or.us. Once the Sidewalk Café Opinion Survey link is clicked it will lead to a page asking you to click a webpage to go to the survey. Please take this link instead of the 'Next' button.

If you have any questions or concerns please do not hesitate to contact us at 541-766-6929. Thank you.

Sincerely,

Dan Carlson
Development Services Manager

FRANCESCOS
208 SW 2ND STREET
CORVALLIS OR 97333

FOX & FIRKIN
202 SW 1ST STREET
CORVALLIS OR 97333

GREAT HARVEST
134 SW 1ST STREET
CORVALLIS OR 97333

AMERICAN DREAM PIZZA
2525 NW MONROE AVE
CORVALLIS OR 97330

THE PEACOCK
125 SW 2ND STREET
CORVALLIS OR 97333

INTERZONE
1563 NW MONROE AVE
CORVALLIS OR 97330

SQUIRRELS
100 SW 2ND STREET
CORVALLIS OR 97333

AMERICAN DREAM PIZZA
214 SW 2ND STREET
CORVALLIS OR 97333

THE BEANERY
2541 NW MONROE
CORVALLIS OR 97330

ANDALE BURRITO
453 SW MADISON AVE
CORVALLIS OR 97333

THE CHIPPERY
130 SW 1ST STREET
CORVALLIS OR 97333

NATALIA & CHRISTOFOROS
351 NW JACKSON AVNEUE
CORVALLIS OR 97330

NEW MORNING BAKERY
219 SW 2ND STREET
CORVALLIS OR 97333

CLODFELTERS
1501 NW MONROE AVE
CORVALLIS OR 97330

STARBUCKS
425 SW MADISON AVE
SUITE A
CORVALLIS OR 97333

THE BEANERY
500 SW 2ND STREET
CORVALLIS OR 97333

NOAH'S BAGELS
425 SW MADISON AVE
SUITE B
CORVALLIS OR 97333

IOVINO'S
136 SW WASHINGTON AVE
SUITE 102
CORVALLIS OR 97333

SUNNYSIDE UP CAFÉ
116 NW 3RD STREET
CORVALLIS OR 97330

RED HORSE COFFEE CO
308 SW 3RD STREET
CORVALLIS OR 97333

SAHALIE WINE CELLARS
151 NW MONROE AVE
CORVALLIS OR 97330

CLOUD 9
126 SW 1ST STREET
CORVALLIS OR 97333

Corvallis Sidewalk Cafes

Exit this survey >>

Tell Us a Bit About Yourself

The City of Corvallis is conducting this non-scientific survey to gather public comments relating to Sidewalk Cafe's. Comments received from this survey will be provided to the Urban Services Committee for consideration. In addition, the Urban Services Committee has set two meeting dates for receiving public comments. The two dates are:

Tuesday, May 22, 4:00 - 6:00 PM
Wednesday, May 30, 5:30 - 7:00 PM

Both meetings are open to the public and will be held in the Madison Meeting Room at 500 SW Madison Avenue, Corvallis. Questions or concerns about the meeting can be directed to Dan Carlson at 541-766-6929 or dan.carlson@ci.corvallis.or.us.

At the conclusion of this survey you will be returned to the City's homepage. Thank you for sharing your thoughts!

1. How would you describe yourself?

- Corvallis Resident
- Corvallis Business Owner With a Sidewalk Cafe
- Corvallis Business Owner Without a Sidewalk Cafe
- Not From Corvallis
- Other (please specify)

Next >>

Corvallis Sidewalk Cafes

Corvallis Sidewalk Cafes

Exit this survey >>

Distance Requirements

1. Corvallis municipal code requires a minimum distance of 6 feet between cafe fixtures (including fences) and the curb and a distance of 3 feet between cafe fixtures and street fixtures such as bike racks or lamp posts for pedestrian use. Do you consider these distances to be...

- About Right
- Too Large
- Too Small
- Don't Know

<< Prev **Next >>**

Att 6—1

Corvallis Sidewalk Cafes

Exit this survey >>

Distance Requirements

1. How large would you like to see these distance requirements be? Remember, current code requires 6 feet to the curb and 3 feet to any street fixtures.

In between cafe fixtures and street fixtures? _____

In between cafe fixtures and the curb? _____

<< Prev Next >>

Corvallis Sidewalk Cafes

Exit this survey >>

Alcohol and Sidewalk Cafes

1. Corvallis allows the consumption of alcohol within the permit area of sidewalk cafes. Do you find alcohol service to be appropriate at the sidewalk cafes?

- Yes
- No
- Don't Know

<< Prev Next >>

Corvallis Sidewalk Cafes

Exit this survey >>

Alcohol and Sidewalk Cafes

1. Corvallis prohibits sidewalk cafes from serving alcohol after 11 p.m. Would you be comfortable if sidewalk cafes were allowed to serve alcohol after 11 p.m.?

- Yes
- No
- Don't Know

2. Another requirement for cafes to serve alcohol is that they need to place a fence 36-48 inches tall around the service area. Would you be comfortable with continuing alcohol service if the fencing requirement was removed?

- Yes
- No
- Don't Know

<< Prev Next >>

Att 6-2

Corvallis Sidewalk Cafes

Exit this survey >>

Your Thoughts

1. Please describe below what you like about sidewalk cafes in Corvallis.

2. Please describe below what changes you would recommend for sidewalk cafe requirements in Corvallis.

3. Is there anything else you might like us to know?

<< Prev Done >>

Att 6–3