

## **DRAFT- 5/25/05**

### **20.100.1470 Special Findings - Service of Alcohol**

The service of alcoholic beverages shall be authorized by Director only if the following findings are made:

1. The Applicant is licensed as a Bona Fide Public Eating Place by the California State Department of Alcoholic Beverage Control; and
2. The Applicant is in compliance with all conditions and restrictions of his or her state liquor license; and
3. The business has not been issued a Dance hall Permit, as defined in Chapter 6.58 of this Code, ~~or a Public Entertainment Permit, as defined in Chapter 6.60 of this Code~~; and
4. The Applicant is in full compliance with all provisions of this Code; and
5. Issuance of the Permit would not result in any significant adverse land use impacts.

### **20.100.1480 Conditions and Restrictions**

The issuance of a Permit shall be subject to the following conditions and restrictions, together with such other conditions as may be deemed necessary in order to secure the general purposes of this Title. The Director may, in issuing a Permit, increase the restrictiveness of any or all of the following conditions and restrictions:

1. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved Permit plan set;
2. Equipment for the service of customers, including but not limited to trays or carts, eating or drinking utensils, linens, and cooking appliances shall not be placed or maintained on any portion of the sidewalk or mall area unless the sidewalk cafe is adequately separated from pedestrian traffic;
3. All umbrellas, tables, chairs and other portable appurtenances shall be removed from the area at the end of each business day at the hour specified in the Permit;
4. At least one (1) covered outdoor trash container shall be provided in the sidewalk cafe area during the hours of operation and shall be maintained in a clean and sanitary condition.
5. The Permittee shall maintain the area in a clean and sanitary condition at all times;

6. The Permittee shall keep that portion of the sidewalk area not permitted to be occupied by umbrellas, tables, chairs, and other portable appurtenances free of obstructions at all times;
7. The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated establishment, [except for sidewalk cafes in conjunction with businesses with an Entertainment Permit, which are limited to the hours of operation of the associated establishment or until 10 p.m., whichever is earlier;](#)
8. No amplified sound shall be used within a sidewalk cafe. At no time shall any music originating from any part of the Premises create a nuisance;
9. Dancing shall not be permitted or allowed in the sidewalk cafe;
10. The Permittee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the Premises;
11. The Applicant shall submit to the City's Risk Manager a signed agreement to defend, indemnify, save, and hold harmless the City and all of its officers, agents, or employees from any liability for damages resulting from any and all operations under a permit granted pursuant to this Chapter;
12. Each Permittee shall, at his or her own cost and expense, obtain and maintain in full force and effect all of the necessary insurance coverage for the full term of the permit or any renewal thereof. The level of coverage shall be in the amount to be determined by the City's Risk Manager;
13. No Permit signed under this Chapter may be transferred or assigned;
14. The sidewalk or mall area shall not be painted, landscaped or altered in any way without prior written approval of the Director;
15. The Permit does not constitute a deed or grant of an easement by the City and is revocable at any time.
16. [Any sidewalk café permit issued for a business that serves alcohol and holds an entertainment permit will become void on July 16, 2006, one year after the effective date of the ordinance amendment allowing sidewalk cafes serving alcohol in conjunction with entertainment permits.](#)