

CITY OF WINTERS
SIDEWALK CAFÉ APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT
318 FIRST STREET, WINTERS, CA 95694
PHONE - (530) 795-4910 X 112 FAX - (530) 795-4935

Community Development Department Use Only	
Date Routed: _____	INITIAL: _____
Date Approved: _____	INITIAL: _____

COMPLETE THIS APPLICATION LEGIBLY IN BLUE OR BLACK INK OR TYPE

BUSINESS NAME:
BUSINESS OWNER(S):
PHYSICAL BUSINESS ADDRESS:
MAILING ADDRESS (IF DIFFERENT FROM ABOVE):

FEDERAL EMPLOYER NUMBER	STATE EMPLOYER NUMBER	BOARD OF EQUALIZATION NUMBER	DRIVER'S LIC. NUMBER OF APPLICANT
DATE OF BIRTH OF APPLICANT	BUSINESS PHONE NUMBER	MOBILE PHONE NUMBER	EMAIL ADDRESS
ZONING DESIGNATION	SIDEWALK CAFÉ START DATE	SIDEWALK CAFÉ OPERATION HOURS	NUMBER OF EMPLOYEES

\$ SIDEWALK CAFE FEE	<input checked="" type="checkbox"/> PAYMENT TYPE <input type="checkbox"/> CASH <input type="checkbox"/> CHECK #	<input checked="" type="checkbox"/> REQUIRED DOCUMENTS <input type="checkbox"/> SITE DRAWINGS – DRAWN TO SCALE (EXISTING FAÇADE, INGRESS/EGRESS, LAYOUT OF PROPOSED SIDEWALK CAFÉ INCLUDING TABLES/CHAIRS/UMBRELLAS/EQUIPMENT/ETC, LOCATIONS OF TREES/POLES/HYDRANTS, AND ANY OTHER PUBLIC/PRIVATE OBSTRUCTION) <input type="checkbox"/> EXAMPLE MENU <input type="checkbox"/> COPY OF VALID BUSINESS LICENSE & LIQUOR LICENSE <input type="checkbox"/> COPY OF YOLO COUNTY FOOD SERVICE PERMIT <input type="checkbox"/> ACKNOWLEDGEMENT FORM
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SIGNATURE OF APPLICANT	PRINTED NAME OF APPLICANT	DATE

SIGNATURE OF PROPERTY OWNER	PRINTED NAME OF PROPERTY OWNER	DATE

FOR CITY OF WINTERS USE ONLY - DEPARTMENT COMMENTS:

APPLICATION RECEIVED BY : SIGN AND DATE _____
APPLICATION APPROVED BY: SIGN AND DATE _____

CITY OF WINTERS

SIDEWALK CAFÉ APPLICATION – ACKNOWLEDGEMENT FORM

COMMUNITY DEVELOPMENT DEPARTMENT

318 FIRST STREET, WINTERS, CA 95694

Phone - (530) 795-4910 X 112 FAX - (530) 795-4935

This document outlines the regulations pertaining to the operation of Sidewalk Cafes.

17.116.020 Definitions

The definitions set forth in this chapter shall govern the application and interpretation of this chapter.

“Premises” shall mean the restaurant, as defined in Section 17.08.030@ of this Title, and any sidewalk café as authorized by this chapter.

“Sidewalk” shall mean that part of the public right-of-way dedicated to pedestrian circulation.

“Sidewalk Café” shall mean a dining area located partially or wholly on a public sidewalk or parkway.

“Permanent Food Service Establishment” shall mean an establishment licensed by the Yolo County Environmental Health Department for which the principal use is the service of prepared food and beverages in a permanently constructed structure. Examples include restaurants, cafeterias, markets, delis, and bakeries.

17.116.030 Permit Required

No owner or operator of a permanent food service establishment shall erect, place, or maintain in or upon any sidewalk or parking contiguous or adjacent to said permanent food service establishment, umbrellas, tables, benches, chairs, and other portable appurtenances for the purpose of serving to customers thereon, food and/or beverages for consumption at such sidewalk tables, benches, or chairs, unless such owner or operator has obtained a sidewalk café permit approved by the Community Development Director.

17.116.040 Application

The application for a permit to establish a sidewalk café shall contain the following information and any additional information as required by the Community Development Director.

1. The name, date of birth, driver’s license number, and mailing address of the applicant;
2. The name and address of the restaurant seeking a sidewalk café permit;
3. The hours that the area is to be occupied as a sidewalk café;
4. A detailed drawing to scale of the proposed site indicating the following: the existing façade; the points of ingress and egress; and the proposed location, the number, and the arrangement of umbrellas, tables, chairs, serving equipment, planters, awnings, lighting, delimiting ropes or chains and other facilities to be included in café operation. The detailed scale drawing must indicate the location of the existing public improvements including the following: fire hydrants, streetlights, street signs, tree, tree grates, planting boxes, and/or planting area, and any other public or private obstruction.
5. A menu of the proposed food and beverages to be served at the sidewalk café.
6. A copy of a valid business license and, if applicable, a copy of a valid state liquor license for the permanent food service establishment
7. An acknowledgement that the applicant has received, reviewed, and understood the regulations pertaining to sidewalk cafes.
8. A sidewalk café permit application fee as established by resolution of the City Council.
9. A copy of a permit to operate a food service establishment from the Yolo County Environmental Health Department.

17.116.050 Review of Application

The Community Development Director shall consider the following factors in the review of the permit application:

1. The convenience and safety of pedestrians, property owners, occupants, customers, residents, or tenants of offices, stores, shops or dwellings in the vicinity;
2. Dimensions of the sidewalk, especially in relation to the size and width of the proposed sidewalk café;

3. Location of nearby fire hydrants, utility poles, sign poles, and trees;
4. Applicable state and federal law accessibility requirements; and
5. Other unique or special factors that may be relevant to the particular location.

17.116.060 Findings

The Community Development Director may issue a permit for establishment of a sidewalk café only upon making the following findings:

1. Establishment of a sidewalk café at the proposed location will not create a nuisance by causing excessive noise or light, interfering with the use and enjoyment of adjacent properties; unduly restricting pedestrian use of the sidewalk; or, in other ways that are adverse to the public health safety or general welfare.
2. Establishment of a sidewalk café at the proposed location will enhance the character of the surrounding area; and
3. The sidewalk café, as proposed, adequately protects the convenience and safety of pedestrians, property owners, occupants, customers, residents or tenants of offices, stores, shops or dwelling in the vicinity.
4. The sidewalk café will not cause a negative cumulative effect when considered in conjunction with the cumulative effect of other sidewalk cafes in the immediate neighborhood.

17.116.080 Special Findings—Service of Alcohol.

The service of alcoholic beverages at a sidewalk café shall be authorized by the community development director only if the following are made:

1. The applicant is licensed to serve alcohol 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.

17.116.090 Conditions and Restrictions

The issuance of a permit to establish a sidewalk café shall be subject to the following minimum conditions and restrictions, together with such other conditions as may be deemed necessary in order to fulfill the general purposes of this chapter. The community development director may, in issuing a permit, impose more stringent conditions or supplement these conditions and restrictions as necessary.

1. At all times, the operator of a permanent food service establishment that has been issued a sidewalk café permit must:
 - a. Maintain a clear distance of a minimum of five (5) unobstructed feet in width, measured from the sidewalk curb and from any public improvements within the right of way, including, but not limited to, signs, and planters or the ropes or chains delimiting the sidewalk café area as indicated on the approved permit;
 - b. Not interfere with the passage of pedestrians, vehicle flow, or access to buildings;
 - c. Not place sidewalk tables, benches, or chairs in a location that interferes with the operation of fire hydrants, pedestrian crosswalks, intersections, or in a location that is harmful to trees or other plantings;
 - d. Not utilize any of the required or non-required parking space area for sidewalk tables, benches, chairs, or other furniture and materials associated with the sidewalk café.
 - e. Comply with applicable state and federal laws regarding accessibility.
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, unless the sidewalk café is adequately separated from pedestrian traffic;
3. All umbrellas, tables, chairs and other portably appurtenances shall be removed from the sidewalk cafe 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 café area during the hours of operation and shall be maintained in a clean and sanitary condition;
5. The permittee shall maintain the sidewalk cafe in a clean and sanitary condition at all times;

6. At no time shall any music or other sound originating from any part of the premises create a nuisance;
7. The permittee must at all times comply with all federal, state, and local laws, including those laws regarding the operation of the premises, and the sale, service and consumption of alcohol;
8. The applicant shall submit to the City Manager a signed agreement, in a form approved by the City Attorney, 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;
9. Each permittee shall, at his or her own cost and expense, obtain and maintain in full force and effect necessary insurance coverage for the full term of the permit or any renewal thereof. The insurance coverage shall include a certificate of insurance covering the period of the outdoor operations, including coverage of comprehensive general liability insurance and other appropriate coverage as determined by the city. The level of coverage shall be in the amount to be determined by the City Manager, in consultation with the City Attorney. The city is to be named as an additional insured on the face of the certificate. Any changes or cancellations shall require that the city be notified in writing at least thirty (30) days prior to the effective date of the change or cancellation.
10. No permit issued under this chapter may be transferred or assigned, except upon prior written approval of the community development director;
11. No public sidewalk shall be painted, landscaped or altered in any way without prior written approval of the community development director and City Engineer;
12. The permit does not constitute a deed or grant of an easement by the city and is revocable or may be suspended by the community development director at any time, with or without cause.
13. A sidewalk café shall not be open for business when the interior part of the permanent food services establishment is not open for business.

17.116.100 Special Conditions—Service of Alcohol

1. The applicant must remain in full compliance with all provisions of this chapter;
2. No person shall serve alcoholic beverages at a sidewalk café unless and until the permittee has obtained a state liquor license and a permit from the community development director specifically authorizing the service of alcohol at the sidewalk café;
3. Alcoholic beverages shall be consumed only on the permittee’s premises. The permittee shall not allow patrons to leave the confines of the premises with any alcoholic beverage and shall not allow patrons to give or sell alcoholic beverages to any person outside the premises; and
4. The sidewalk café shall maintain full food service and shall operate as a restaurant at all times that it is in operation. No sidewalk café may function as a bar.

17.116.110 Sidewalk Café Permit Fee

Each permanent food service establishment operating a sidewalk café shall pay an annual sidewalk café permit fee as established by resolution of the City Council.

I, _____, acknowledge that I have received, reviewed, and understand the regulations pertaining to sidewalk cafes.

Signed Name of Applicant Date

Printed Name of Applicant Date