



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Alcoholic beverage service in the public sidewalk outdoor dining area at the 39 Caledonia Street restaurant.

RECOMMENDED MOTION:

The Planning Commission recommends that the City Council adopt the attached resolution approving the service of alcoholic beverages in the public sidewalk outdoor dining area for the restaurant located at 39 Caledonia Street.

DISCUSSION

The applicant, Brian Milford, submitted an application on behalf of restaurateurs, Matt Kahn and Kim Alter requesting City Council approval for the service of alcoholic beverages in the outdoor dining area located in a portion of the public sidewalk adjacent to a new restaurant at 39 Caledonia Street (APN 065-056-02).

At a public hearing on January 6, 2010, the Planning Commission discussed and approved a Conditional use Permit, Minor Use Permit, and Sidewalk Dining Encroachment Permit, CUP/MUP/EP 09-234 to allow the new, 56 seat restaurant with alcohol service and an outdoor dining area with five tables and 10 chairs in the public right-of-way at the subject site, as shown in the site plan of the attached draft resolution. The Planning Commission discussed in length whether or not to recommend a "curfew" for outdoor alcohol service. At the conclusion of the discussion, the Commission decided not to recommend a curfew for outdoor alcohol since other restaurants in the area did not have such a restriction. The application materials indicate the restaurant will be closing by mid-night on most nights.

In order to serve alcoholic beverages in the public sidewalk outdoor dining area, City Council approval is required in accordance with Zoning Ordinance Section 10.44.220.C.5.

FISCAL IMPACT

No fiscal impact.

STAFF RECOMMENDATION

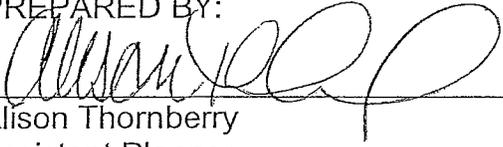
Staff recommends that the City Council adopt the attached draft resolution approving the service and consumption of alcoholic beverages in the outdoor dining area located in a portion of the sidewalk at 39 Caledonia Street.

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ATTACHMENT

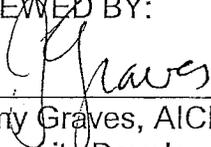
Draft City Council Resolution

PREPARED BY:



Alison Thornberry
Assistant Planner

REVIEWED BY:



Jeremy Graves, AICP
Community Development Director

SUBMITTED BY:

 / CHIEF OF POLICE

Adam W. Politzer
City Manager

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RESOLUTION NO. XXXX

RESOLUTION OF THE SAUSALITO CITY COUNCIL APPROVING THE SERVICE OF ALCOHOLIC BEVERAGES IN THE PUBLIC SIDEWALK OUTDOOR DINING AREA FOR THE RESTAURANT LOCATED AT 39 CALEDONIA STREET (APN 065-056-02)

WHEREAS, an application has been filed pursuant to Zoning Ordinance Section 10.44.220 by Brian Milford, on behalf of restaurateurs, Matt Kahn and Kim Alter, requesting City Council authorization for the service of alcoholic beverages in the public sidewalk outdoor dining area for a new restaurant, located at 39 Caledonia Street (APN 065-056-02); and

WHEREAS, at a public hearing on January 6, 2010, the Planning Commission a Conditional use Permit, Minor Use Permit, and Sidewalk Dining Encroachment Permit, CUP/MUP/EP 09-234 to allow a new, 56 seat restaurant with alcohol service and an outdoor dining area with five tables and 10 chairs in the public right-of-way at the subject site; and

WHEREAS, the City Council has reviewed and considered the staff report dated January 26, 2010, and any testimony on the subject application; and

WHEREAS, the City Council has found that the subject application is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

NOW, THEREFORE, THE CITY COUNCIL HEREBY:

Section 1. Authorizes the service of alcoholic beverages in the public sidewalk outdoor dining area located at 39 Caledonia Street, as shown on the attached site plan.

Section 2. Declares the time within which judicial review of this decision may be sought is governed by the provisions of Section 65009 of the Government Code, Section 1094.6 of the Code of Civil Procedure and all other applicable law.

RESOLUTION PASSED AND ADOPTED at the regular meeting of the City Council of the City of Sausalito on the ____ day of _____, by the following vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:
ABSTAIN: Councilmember:

MAYOR JOHNATHON LEONE

ATTEST: _____
CITY CLERK

Attachment: Site Plan, date stamped December 8, 2009

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