

A RESOLUTION RECOMMENDING DENIAL) Resolution No. 35
OF APPLICATION FOR LIQUOR LICENSE TO) for 2003
EXTEND PREMISES TO INCLUDE OUTSIDE)
SIDEWALK – TAQUERIA DOS ARBOLITOS)

WHEREAS, the Lebanon City Council has conducted a public hearing, after appropriate notice, on the 10th day of September 2003; and

WHEREAS, the City Council has heard the report from staff, including the recommendations from the Lebanon Fire District, Lebanon Police Department, Lebanon Planning Department and the Lebanon Building Department recommending denial of an application to extend the premises of the business “Taqueria Dos Arbolitos” to include the outside sidewalk area for the purpose of changing said business’ liquor license from the Oregon Liquor Control Commission; and

WHEREAS, the City Council has also heard the testimony of witnesses and deliberated on such testimony;

NOW, THEREFORE, THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Lebanon City Council recommends that the application of Taqueria Dos Arbolitos to change its’ Commercial Establishment liquor license to extend the premises to include the outside sidewalk adjoining such premises be denied because the action requested violates the Lebanon Municipal Code in the following particulars:

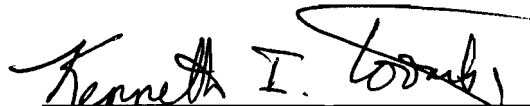
- A. Lebanon Municipal Code section 12.04.080 forbids any person to obstruct, cause to be obstructed or assist in obstructing pedestrian traffic on any public sidewalk. The extension of the “premises” of the subject business to allow the serving of alcohol, along with the placement of tables, customers or service providers on the public sidewalk adjacent to the business will or may substantial obstruct pedestrian traffic on the public sidewalk. The sidewalks surrounding this establishment are too narrow to provide for the safe passage of pedestrian traffic with the “premises” of the establishment, as defined in the request, and such placements would violate the city code.
- B. Lebanon Municipal Code Section 12.04.100 forbids any person from using the public sidewalk for selling, storing or displaying merchandise or equipment unless permission is granted by the City Council. The Council declines to grant such permission because the selling, storing or displaying of merchandise or equipment on the public sidewalk would constitute a hazard to the safe passage of pedestrians on the public sidewalk, considering that the sidewalk at the location of the applicant is too narrow to provide sufficient safe passage with merchandise being displayed, stored or sold on the public sidewalk.

- C. Lebanon Municipal Code Section 17.16.060 requires that all business, service, repair, processing, storage or merchandise display be conducted wholly within an enclosed building, except for drive-in windows or where not located on a public sidewalk or right-of-way. The Council finds that the approval of this application would violate this code section because the placement of merchandise (food and drink) and providing service for the same on the public sidewalk is not conducting business within the building and would conduct business on the public sidewalk, within the public right-of-way.
- D. Based upon the foregoing, the City Council finds that approval of this application would not be consistent with the city land use policies and ordinances.

Section 2. These written findings and the recommendation of the Lebanon City Council to deny the application herein shall be reported to the Oregon Liquor Control Commission on any application as required by the provisions of Lebanon Municipal Code Section 5.10.060.

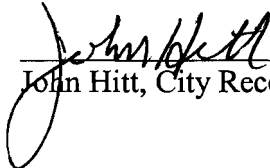
Section 3. This Resolution of the Lebanon City Council shall be effective upon its passage.

Passed by the Lebanon City Council by a vote of 6 for and 0 against this 10th day of September 2003.



Kenneth I. Toombs, Mayor [X]
Ron Miller, Council President []

ATTEST:



John Hitt, City Recorder