

MEETING DATE: July 22, 2025 AGENDA ITEM: 3. Sidewalk Café Permit Request – Mei Wah Beer Room FROM: Jon Kennedy RE: Sidewalk Café Permit Request – Mei Wah Beer Room

BACKGROUND:

The City has received a permit application from Mei Wah Beer Room, a bar located at 35 Main St, seeking approval to utilize a portion of the adjacent public street for private business use. The application was submitted under the City's existing Sidewalk Café Permit program, which was originally established to allow restaurants to expand outdoor dining service into the public right-of-way—namely sidewalks—subject to certain conditions.

Mei Wah Beer Room is currently permitted by Sacramento County Environmental Health as a bar, not a restaurant, and does not prepare, handle, or serve open food. The business is therefore not classified as a food facility under the applicable health code.

LEGAL AND POLICY CONSIDERATIONS:

The request involves expanding operations into the public street area rather than the sidewalk, and is being made by a non-restaurant establishment. This raises threshold questions regarding the scope and applicability of the City's existing Sidewalk Café Permit program, including:

- Whether a bar or similar non-restaurant establishment qualifies for a Sidewalk Cafe permit;

- Whether the use of public street space, as opposed to the sidewalk, falls within the current permitting framework; and

- Whether additional permits, council action, public notice, or ordinance amendments would be required to authorize such use.

Additionally, the application proposes the exclusive, ongoing use of a public right-of-way for a private commercial activity, which implicates broader policy considerations - such as impacts on public access, traffic and pedestrian circulation, and long-term management of public space.

ATTACHMENTS:

- A. SIDEDWALK PERMIT APPLICATION
- **B. WALTON INSURANCE**

- C. CHAPTER 4.16 SIDEWALK CAFÉ
- D. EH EMAIL
- E. WALTON 7-17 EMAIL



SIDEWALK CAFÉ PERMIT

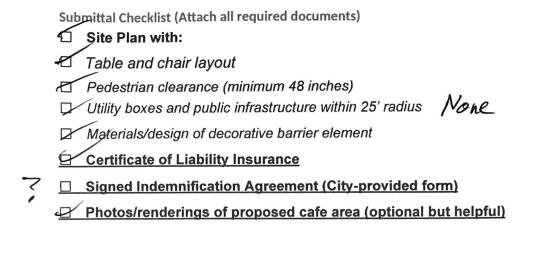
Name of Applicant:	Corporation or LLC (if applicable):	Date:
Iva Walton		7/5/25
Restaurant Name: Mei W.	ah Beer Room	
Address: 35 Main	Street	
Email Address: jVawal	ton & concast.	net
Phone: 510 914 08	60	
Hours of Operation: Weds -	Friday 12-10 Sai	
Alcohol Served? Yes of No	ABC License #: 40-567980 If this permit is approved, the applicant must submit all required ABC (Alcoholic Beverage Control) documentation to the City of Isleton within 30 days of the permit approval date. Failure to provide the necessary documentation within this timeframe may result in revocation or suspension of the permit.	Is sidewalk café included in your premises description with ABC? Yes or No. If not, please contact clerk's office to revise if you plan on serving alcohol on sidewalk café.

Please diagram the layout below showing all tables, chairs, lights, audio devices, sandwich boards, banners, menu holders, or other exterior signs, display equipment; showing the layout and dimensions of the proposed space and the location of all light poles, trash receptacles, fire extinguishers, trees, benches, grates, or any other appurtenances. A minimum of 4' of clear walking space must remain on the sidewalk. Show all doors/exits from any affected structures. Or provide a separate write-up.

Number of Tables	Number of Chairs	
9	38	

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STORE FRONT – PROPERTY LINE



Prior to issuance of a revocable sidewalk use permit for a sidewalk café, the permittee shall obtain and maintain public liability insurance in such form and in such amounts as is determined reasonable and necessary by the city council to protect the city. In addition, the permittee shall agree to indemnify, defend and hold harmless any claims against the City, damages and liability arising out of the use of the public right-of-way in such form as may be reasonably required by the city attorney.

CIRCLE ONE: INITIAL APPLICATION: (\$180

RENEWAL: \$50

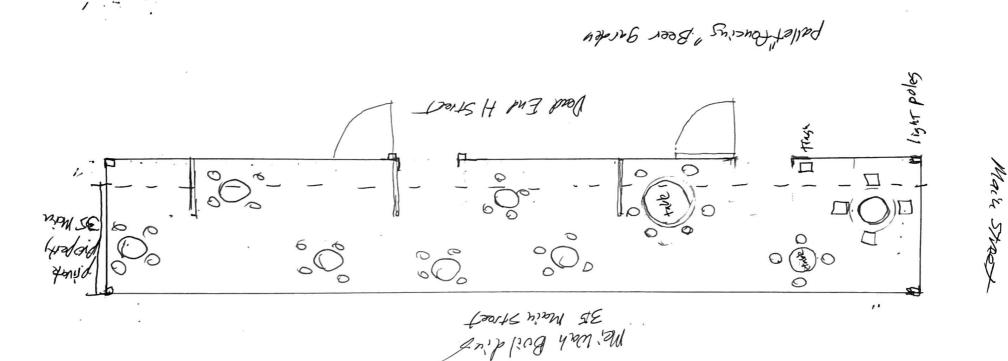
(Fee schedule will be set by City Council for rental of City property if applicable)

Applicant Certification

I certify that I have read Chapter 4.16 of the Isleton Municipal Code and that the information provided in this application is accurate and complete. I understand that the issuance of a revocable sidewalk use permit is subject to approval by the City Council and may be revoked per Section 4.16.050.

or

	\geq	7/25/55	
Signature:	Dat	e: ////////////////////////////////////	
FOR CITY USE ONLY			
Date Received:		/	
Fee Received: \$			
Application #:			
□Complete □Incomplete - Missin	g:		
Reviewing Official:		Date:	
Council Action: □Approved □Denied	d <u>Date:</u>		
Permit #	Valid Through:		



ACORD	

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 07/15/2025

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THIS CERTIFICATE IS ISSUED AS A CERTIFICATE DOES NOT AFFIRMAT BELOW. THIS CERTIFICATE OF IN REPRESENTATIVE OR PRODUCER, A	IVEL	Y OF	R NEGATIVELY AMEND, DOES NOT CONSTITU	, EXTE	ND OR ALT	ER THE CO	VERAGE AFFO	RDED B	BY TH	E POLICIES		
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PRODUCER				CONTA NAME:	CT Duff Day							
Devine Insurance Solutions				PHONE (A/C, No, Ext): (530) 304-7288 FAX (A/C, No): (503) 231-0116								
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P.O. Box 363				INSURI								
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If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLI					
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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person(s) Or Organization(s) (Additional Insured):

Effective Date: 07/08/2025 CITY OF ISLETON 101 SECOND STREET ISLETON, CA 95641

Designation of Premises (Part Leased To You): 35 MAIN STREET ISLETON, CA 95641

Additional Premium: \$

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who is An Insured is amended to include aş an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

- 1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
- Structural alterations, new construction or demolition operations performed by or on behalf of the person (s) or organization(s) shown in the Schedule.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

 If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

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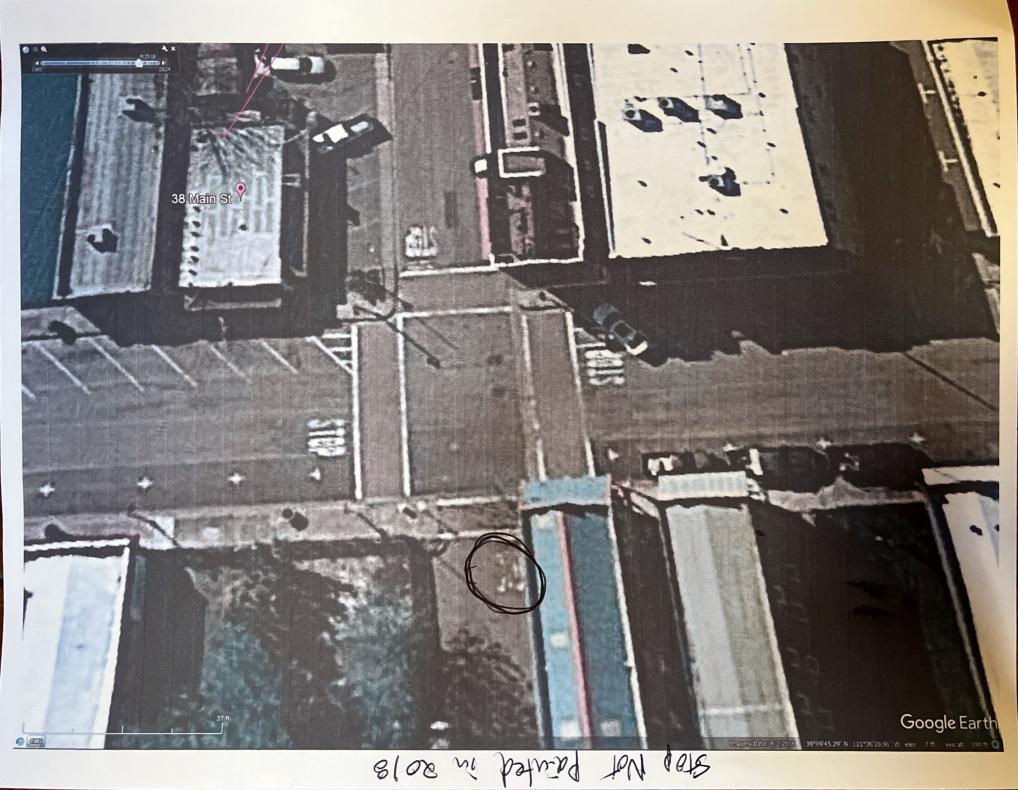
B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amout of insurance:

- 1.Required by the contract or agreement; or
- 2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



From My Norghbor adjacent & Boargarden

The property managers were making comment to the owner on the beer garden. I figured if they have had a problem they could have talked to you. I feel like the more business brought to Isleton the better the property values. I'm rooting for Mei Wah, we consider you a very good friend and neighbor. I have never heard them complain about the outdoor music that happens a dozen or so times a year and it would be ridiculous if they did.

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

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Designation of Premises (Part Leased To You): 35 MAIN STREET ISLETON, CA 95641

Additional Premium: \$

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This insurance does not apply to:

- 1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
- Structural alterations, new construction or demolition operations performed by or on behalf of the person (s) or organization(s) shown in the Schedule.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

12

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amout of insurance:

1.Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

- CHAPTER 4.16 SIDEWALK CAFÉ
- 4.16.010 Establishment and regulation

Sidewalk cafés may be established and operated with portion of the public right-of-way adjacent to streets and highways within the city subject to the review and approval of a revocable sidewalk use permit for such use of the public right-of-way by the city council.

The establishment and continued operation of sidewalk cafés pursuant to such a revocable sidewalk use permit shall also be subject to such additional requirements, if, applicable imposed by the state alcoholic beverage commission (ABC), the Americans with Disabilities Act (ADA) applicable state and local fire code provisions and requirements, or other agency having jurisdiction.

The use of the public right-of-way shall be in conjunction with and an accessory use to the operation of a restaurant on immediately adjacent property which his operating on said property in conformance with applicable provisions of the city zoning ordinance and other city codes and ordinances. All required city building, zoning and revocable sidewalk use permits shall be obtained and necessary improvements to the sidewalk and adjacent property completed and approved by the building official prior to the commence of operations of the sidewalk café on the public right-of-way.

(Ord. No. 348)

• 4.16.020 - Permit—Application

An application for a sidewalk café revocable sidewalk use permit shall be obtained, completed and returned to the city clerk for review and approval by the city council as required in this chapter. A fee shall accompany said permit application and shall be used by the city for the purpose of reimbursing itself for the expenses it occurs in processing the application. The amount of said fee shall be determined by resolution of the city council. Prior to commencement of use of such property under a revocable sidewalk issued under this chapter, the revocable sidewalk use permittee shall repair any portion of the sidewalk are which is damaged, as determined by the building official in accordance with current city construction standards of sidewalks.

All applicants for sidewalk café revocable sidewalk use permits shall be made on forms provided by the city clerk and shall include such information, maps and plans as may be reasonably required by the building official given the nature of the proposed use of the public right-of-way. Each application must be accompanied by a sidewalk seating plan showing the location of tables and chairs, all public and private walkway clearances, building entrances, barrier elements, fixed walkway elements and sidewalk utility boxes within a minimum 25-foot radius of the sidewalk café barrier element and any other features as determined by the building official.

(Ord. No. 348)

• 4.16.030 - Insurance and indemnification agreement

Prior to issuance of a revocable sidewalk use permit for a sidewalk café, the permittee shall obtain and maintain public liability insurance in such form and in such amounts as is determined reasonable and necessary by the city council to protect the city. In addition, the permittee shall agree to indemnify, defend and save harmless the city claims, damages and liability arising out of the use of the public right-of-way in such form as may be reasonably required by the city attorney.

(Ord. No. 348)

• *4.16.*040 - Standards

The following standards shall apply to all sidewalk cafés operating with a revocable sidewalk use permit from the city:

Α.

The city revocable sidewalk use permit approving the sidewalk café and the allowable number of tables and chairs, as determined in the revocable sidewalk use permit, shall be displayed in a prominent location easily accessible to the public on or adjacent to the café area. Any ABC revocable sidewalk use permit required for the café shall also be displayed.

В.

A decorative element separating outdoor café seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible with the architectural design of the restaurant building façade or of a design that adds visual interest to the street scape.

C.

A sidewalk café may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies.

D.

Decorative accent lighting may be incorporated into the outdoor areas and shall meet all city and applicable Code requirements.

Ε.

Sidewalk cafés shall not obstruct sidewalk pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or hazards.

F.

A minimum of 36 inches of clearance shall be permanently maintained for pedestrian use between the outer-most barricade edge of the sidewalk café and any fixed or temporary obstruction which is contained in the area between the out-most barricade edge and the curb edge. This clear zone must be paved.

G.

If appropriate, a "No Parking" zone may be designated on public rights-of-way adjacent to the sidewalk café subject to approval by the city council.

Η.

Sidewalk cafés areas shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed. Tables and/or chairs must be movable unless otherwise approved by the building official.

(Ord. No. 348)

• 4.16.050 - Permit-Revocation

The building official shall be responsible for the enforcement of this chapter and all of the terms and conditions of any revocable sidewalk use permit issued hereunder. If the permittee violates any of the terms and conditions of this section or of the revocable sidewalk use permit, the building official may revoke the revocable sidewalk use permit at any time after not less ten days' written notice of his or her intention to do so to the holder of the revocable sidewalk use permit. Any such order made by the building official may be appealed to the city council.

In addition, a revocable sidewalk use permit granted pursuant to his chapter may be revoked by the city council at any time, with ten days' prior written notice to the permittee of its intention to do, when the council determines, in its sole discretion, that the continued use of the public right-of-way as the site of a sidewalk café is not in the public interest.

Iva Walton

to me 📄

Hi Jon

I talked with Health Dept the letter below in general, describes the conversation by buying prepackaged individual servings that the customer heats up in the microwave. I do not have to change my permitting.

Begin forwarded message:

From: "EHPlanReview. EMD" <<u>ehplanreview@saccounty.gov</u>> Date: July 3, 2025 at 3:17:59 PM PDT To: <u>ivawalton@comcast.net</u> Subject: RE: Serve good at bar

lva,

If you are handling open food even if you are not cooking on site you will need to submit plans, cut sheets for new equipment for approval and your permit will be changed from bar to bar/food prep. Other option is to give prepackage food item to customer and they can heat themself. In this case plans won't be required, and permit will stay as is.

Environmental Health Division Plan Review Sacramento County Environmental Management Department 11080 White Rock Rd. #200 Rancho Cordova, CA 95670 (916) 874-6010 emd.saccounty.gov

Plan Review Counter Hours: Mon – Fri, 8:00 am to 12:00 pm Plan Review Email: EHPlanReview@SacCounty.gov

-----Original Message-----From: Iva Walton <<u>ivawalton@comcast.net</u>> Sent: Thursday, July 3, 2025, 8:28 AM To: EMD. Info <<u>EMDinfo@saccounty.net</u>> Subject: Serve good at bar

🛕 EXTERNAL EMAIL: If unknown sender, do not click links/attachments. ႔ If you have concerns about this email, please report it via the Phish Alert button.

Hello,

I have a tap room/beer bar in Isleton, and I want to serve food that is prepared at a neighboring deli. It would be stored cold in my nsf cooler and require a nsf microwave to heat up the panini/food. Is there any requirements/fees/inspections to start doing this?

Thank You, Iva Walton Mei Wah Beer Room 510-914-0860

ivawalton@comcast.net

to cso@cityofisleton.com, me 📄

Please note, I am sending this email as the Sole Owner of Mei Wei Beer Room.

Issue:

The core issue is whether the city's sidewalk café permit process is based on legally defined operational classifications or other interpretations, and whether the Mei Wah Beer Room qualifies for such a permit under the applicable municipal code.

Regulation:

According to Isleton's Municipal Code Chapter 4.16, a revocable sidewalk use permit is required for establishing and operating a sidewalk café. Specifically,

- Section 4.16.020 defines the application process, including submission of plans and compliance with standards set by the city.

- Section 4.16.040 lists standards that all sidewalk cafes must meet, including display requirements, barriers, safety, pedestrian access, and use limitations.

- The permit is approved by the city council and must be prominently displayed at the café site.

Analysis:

Your email asserts that the city's ordinance is based on "legally defined operational classifications" rather than general interpretations. However, the code explicitly states that applications must be made through prescribed forms, accompanied by detailed plans, and subject to specific standards and approval processes.

I have reviewed the ordinance provisions and determined that the process is uniform and based on established regulations rather than subjective classifications or interpretations.

Furthermore, I have made a good faith effort to comply with all standards outlined in the ordinance, including providing the necessary schematics and plans as required. Specifically, I have addressed the following:

- Proper display of permits (pending approval)
- Adequate barrier design consistent with architectural compatibility

- Accessibility clearances of at least 36 inches, and unobstructed pedestrian pathways

- Use restrictions to seating areas only, with movable tables and chairs

I have already sent the city the completed forms and schematic of the proposed sidewalk café layout for your review.

Conclusion.

Mei Wah Beer Room continues to receive accolades as an established part of Isleton and many say this business is "the best thing to happen to Isleton in years". I know several home owners that have said "we moved here because of your business". Senator Dodd awarded my establishment The Best Small Business of the Year in Sacramento County. Mei Wah Beer Room was listed as the 33rd favorite bar in America according YELP users.

Based on the ordinance requirements and my adherence to those standards, I respectfully request that my application for a sidewalk café permit be considered for approval at the next city council meeting. I believe that my proposal complies fully with the municipal code governing sidewalk cafes, and I look forward to this coming before the City Council.

Sincerely, Iva Walton Owner, Mei Wah Beer Room 10:57 AN