

**REVOCABLE SIDEWALK PRIVILEGE APPLICATION – SIDEWALK CAFÉ**

**Applicant Information**

Name of Business Establishment:	Year Established:
Address of Business Establishment:	

Business Owner Name:	
Mailing Address:	
Email:	Telephone Number:

Property Owner Name:	
Mailing Address:	
Email:	Telephone Number:

**Café Details**

Total Square Footage of City Property to be Occupied:		
Section 1	Width (ft.):	Depth (ft.):
Section 2	Width (ft.):	Depth (ft.):

Total # of Tables:	Total # of Seats:
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Months of Usage:	<input type="checkbox"/> January	<input type="checkbox"/> February	<input type="checkbox"/> March	<input type="checkbox"/> April	<input type="checkbox"/> May	<input type="checkbox"/> June
	<input type="checkbox"/> July	<input type="checkbox"/> August	<input type="checkbox"/> September	<input type="checkbox"/> October	<input type="checkbox"/> November	<input type="checkbox"/> December

Note: This includes all months when City property will be occupied with railings, planters, furniture, etc., even if the café is not being actively utilized.

**Applicant Signature**

Applicant Signature:	Date:
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<b>Applicant acknowledges they will maintain liability insurance of \$1,000,000 naming the City of Albany as an additional insured, at all times while the revocable street privilege is in effect.</b>	<b>Initials:</b>
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**Submittal Requirement Checklist**

<input type="checkbox"/>	Completed Revocable Sidewalk Privilege Application
<input type="checkbox"/>	Certificate of Insurance naming the City of Albany as an additional insured
<input type="checkbox"/>	Fully dimensioned plan showing the proposed café area, including: location of the property line; dimensions of the café space; distance to curb line; distance to all trees, grates, decorative paving, sign poles, drop curbs, etc.
<input type="checkbox"/>	Application fee (check or money order) – Payable to <i>Treasurer, City of Albany</i>

## Fee Schedule

1-100 sq /ft	\$50	501-600 sq/ft	\$350
101-200 sq/ft	\$150	601-700 sq/ft	\$400
201-300 sq/ft	\$200	701-800 sq/ft	\$450
301-400 sq/ft	\$250	801-900 sq/ft	\$500
401-500 sq/ft	\$300	901-1,000 sq/ft	\$550

## Pre-Application Meeting

Applicants are encouraged to schedule an informational pre-application meeting with the Department of Planning and Development. A member of the staff will help you determine if sidewalk width and existing obstructions in front of your business establishment will allow for a sidewalk café. The Department of Planning and Development group is located at 200 Henry Johnson Boulevard. We can be reached by phone at (518) 465-6066 from 8:30AM – 5:00PM. Call ahead to schedule a time with a staff member.

## General Rules for Outdoor Café Spaces

### Clear Pedestrian Passage

At least four feet or 50 percent of the total sidewalk width, whichever is larger, shall remain free of all obstructions to allow for pedestrian passage. This measurement is made from the outermost point of the cafe to the unobstructed inner edge of the curb, excluding brick or grass carpets, United States mailboxes, fire hydrants, bus shelters, street trees, and other fixed objects.

### Vision Clearance

On a corner lot, no installation that obstructs sight lines at elevations between three and six feet above the driving surface of the adjacent roadway shall be permitted in the area formed by measuring 20 feet along both curb lines where they intersect, and connecting the two points to form a triangle.

### Planters, Railings and Fencing

Fencing must be constructed of high-quality finished materials, such as steel, glass, or finished woods. Avoid solid panels – fencing must have some level of transparency. Posts with pointed tops are not permitted. Elevated flower pots/planters may be used in lieu of fencing. Ropes or chains with free-standing bases may also be used. All planters, railings and fences must be temporary and not exceed a height of four feet.

### Fixtures and Furnishings

All fixtures and furnishings must be of a temporary nature, and must be brought in and stored or stacked and secured during nonoperational hours. Seating and tables must be movable to accommodate wheelchair access.

### Building Exits

A clear path of travel must be maintained for any building exit, and must be at least 4' wide or of equal width to the exit door – whichever is wider. This path of travel must be free of obstructions, including gates of any type, and connect the building exit to the sidewalk.

### Americans with Disabilities Act (ADA) Compliance

It is the business establishment's responsibility to comply with all regulations of Title III of the Americans with Disabilities Act (ADA). The City will evaluate the design plan and make recommendations. Our approval of a cafe does not guarantee that it meets federal accessibility requirements.

### Alcohol Service

Sidewalk cafés must be in compliance with all New York State Liquor Authority (NYSLA) laws, subject to NYSLA enforcement.

### Amplified Sound

Sidewalk or outdoor cafes shall not use music or noise amplification devices, and no music or entertainment of any type is permitted outdoors.

### Hour of Operation

Cafes located within 300 feet of a Residential district shall not be open for business before 8:00 a.m. and shall close by 11:00 p.m. Elsewhere, cafes located in nonresidential zoning districts shall not be open for business before 6:00 a.m. and shall close by 2:00 a.m.

**Outdoor Cooking**

No outdoor cooking of any type is permitted in sidewalk or outdoor cafes.

**Signage**

No signage shall be permitted to be affixed to a cafe's temporary structures or accessories.

**Trash**

The area shall be cleaned, kept refuse-free, and no large containers for trash shall be placed on the cafe premises.

**Maintenance**

Public property shall not be altered in any way during the term of the Revocable Street Privilege. At the expiration of the term of the permit, all City-owned property shall be returned to the City in good condition, except for damage by the elements.

**Insurance Requirement**

The applicant must maintain liability insurance of at least \$1 million while the permit is in effect to indemnify and hold the City of Albany harmless from any and all manner of damages, injuries, and/or claims arising out of the applicant's use and occupation of the premises. The insurance must name the City of Albany as an additional insured.

**Emergencies**

In an emergency, the City may immediately clear the sidewalk café to preserve public health and safety. If this should occur, the City will not be responsible for damages.

**Sale of Business Establishment**

A new permit is required if a business is sold.

**Modifications**

A permit modification is needed if site conditions have changed. If proper modifications are not made, or the modifications are not in compliance with sidewalk café regulations, the permit will be revoked.

**Revocation**

All sidewalk privileges granted by the City are wholly of a temporary nature and can be revoked. Sidewalk café operators must comply with the terms and conditions of the permit, and must keep the sidewalk clean and safe for pedestrians. In the event that a sidewalk cafe does not meet the terms and conditions of the permit, the City may issue a Notice of Violation or citation to the applicant.