



Urban Village by the Bay

# ALBANY CALIFORNIA

## APPLICATION FOR ENCROACHMENT PERMIT FOR SIDEWALK SEATING

### STAFF USE ONLY

Permit #: \_\_\_\_\_ Munis # \_\_\_\_\_

Approval Date: \_\_\_\_\_ Permit Expiration Date: \_\_\_\_\_

### Applicability:

Any restaurant wishing to put tables and/or chairs on the public sidewalk in front of their business requires a Sidewalk Seating Encroachment Permit. Note: Sidewalk seating on San Pablo Avenue can only be permitted upon pre-approval and submittal of a CalTrans encroachment permit.

**Restaurant Name:** \_\_\_\_\_ **# Indoor Seats:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

**Business Owner/Applicant Name:** \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Submittal Requirements:

- ☐ Business License – Copy of valid City of Albany business license or six-digit business licenses account number
- ☐ Proof of Insurance – Proof of Insurance with a minimum liability coverage of \$1 million with the City of Albany named as Additional Insured.
- ☐ Proof of Insurance – Certificate of Insurance of commercial general liability coverage with a minimum limit of \$1 million per occurrence and \$2 million general aggregate, with an endorsement providing the City of Albany named as Additional Insured. The coverage shall allow and be endorsed primary and non-contributory. If business has employees: Certificate of Insurance of Workers' Compensation in accordance with the provisions of Section 3700 of the California Labor Code and Employer's Liability in the amount of \$1 million each accident or disease coverage. A waiver of subrogation endorsement shall be provided. If business has no employees: a completed and signed exemption must be provided to the City. Business shall ensure any automobile used is adequately insured in accordance with the laws of the State of California.
- ☐ Business certification of Workers' Compensation coverage or self-insurance in accordance with the provisions of Section 3700 of the California Labor Code – if business has employees.
- ☐ CalTrans Encroachment Permit – For sidewalk seating on San Pablo Avenue only
- ☐ Sidewalk Seating Encroach permit fee (FY24/25 \$510) – annual fee
- ☐ Site Plan – a dimensioned and scaled site plan, showing all street furniture, trees, vaults, curb cuts, and any other elements that are in the public right-of-way. The Site Plan



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must show a six (6) foot minimum path of travel for pedestrians. Show proposed location of the tables, chairs, planters, or benches on your Site Plan. For purposes of determining space required for chairs, use an area of 24" x 24". A minimum 18-inch-wide buffer between seating and path of travel must be included to allow for service and bussing.

- ☐ Provide manufacturer specifications of proposed tables, chairs, street furniture or benches.

**NOTE:** A minimum of 50% of the outdoor seating area must be wheelchair accessible. Accessible tables shall have clear floor space with minimum dimensions of 30 inches by 48 inches, maximum height of 34 inches, and minimum knee space of 27 inches high, 30 inches wide and 19 inches deep.

## CONDITIONS OF APPROVAL

1. **Permit Validity.** Encroachment permits for sidewalk seating are valid for one calendar year.
2. **Clear Path of Travel.** A minimum flat, 6-foot (48-inch) wide—exclusive of curb—by 6-foot 8-inch (80-inch) tall clear path of travel with a maximum 2% cross slope must be maintained at all times along the sidewalk. Everything, including, but not limited to tables, carts, signage, shade structure covers and supporting posts, tables and chairs must be located outside the clear path of travel. A minimum 18-inch wide buffer between seating and path of travel must be included to allow for service and bussing
3. **Buffer Distances.** No installation may be located within:
  - 25 feet from any fire hydrant
  - 20 feet from any intersection, curb ramp, crosswalk, pedestrian crossing signal, or delineated bus stop
  - 10 feet from any driveway, fire escape, red stripe curb zone, private access ramp designed for persons with disabilities, handicapped parking space, blue stripe curb zone, loading zone, US mailbox or public bike rack
  - 5 feet from any above ground utility structure, subsurface utility box, news rack, City installed trash/recycling receptacles, public benches, building entrance/exit or entry pathway (may be located 2.5 feet to own entrance provided a 4-foot clear entry pathway remains)
  - 2 feet from any curb or dedicated bicycle path/lane
4. **Operations.**
  - Hours of sidewalk seating is commensurate with business hours, but in no case shall hours extend beyond:  
Sunday – Thursday: 8:00 a.m. - 11:00 p.m.  
Friday & Saturday: 8:00 a.m. - 12:00 a.m.



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- In no case may the number of outdoor seats exceed twenty (20%) percent of the total seating for the establishment.
- Outdoor preparation of food or beverages is prohibited.
- Service of alcohol must be accompanied by meal service and must be served in durable/reusable drinking ware (no cans, bottles, or to go cups).
- Seating is limited to patrons of the associated business
- No music may be played outdoors—either live or recorded

## 5. Maintenance.

- All equipment must be secured to not roll away unattended, blow or topple over.
- If any food or drink is served in “to-go” containers, 3-stream (trash, recycling, and compost) bins/bags must be made readily available to patrons.
- Permit holder must keep encroachment and surrounding area clear of debris at all times.

- 6. Provisions of Permit.** This encroachment permit may be revoked at any time whenever:
- (1) the permitted encroachment, whether because of changed conditions or otherwise, interferes with adequate or safe public use of the right-of-way involved; or
  - (2) The permittee fails to comply with or violates any applicable government standard or condition of the issuance of the permit.

## ACCEPTANCE OF CONDITIONS

I, the undersigned authorized agent of the applicant herein described, hereby make application for approval of the project described in this application in accordance with the provisions of the City's ordinances and conditions of approval, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

The applicant shall hold harmless, defend, and indemnify the City, and its officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which the City may suffer or incur as a result of any claims arising from the issuance of the encroachment permit or the design, installation, operation, maintenance or removal of the encroachment, excepting those claims arising from the City's sole negligence, willful misconduct, or active negligence. The prevailing party in any action to enforce this provision shall be entitled to an award of reasonable attorney's fees.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_