



Urban Village by the Bay

# ALBANY CALIFORNIA

## APPLICATION FOR ENCROACHMENT PERMIT FOR SIDEWALK VENDING

### STAFF USE ONLY

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

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

### Type of Sidewalk Vending (select one):

- ☐ Roaming – move from place to place and only stop to make a sale
- ☐ Stationary – sell for a fixed location in a non-residential zone
- ☐ Business-Sponsored Pop-Up – Sponsored by and sells from a fixed located in front of the sponsor business

### Vending Location (for Stationary and Pop-Up Vendors only):

\_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

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

**Sponsor Business Name:** \_\_\_\_\_

**Vendor Name(s)**, if different than applicant. For businesses sponsoring pop-up vendors, list all vendors:

\_\_\_\_\_

\_\_\_\_\_

Does vendor have employees? ☐ Yes ☐ No

List vendors with employees: \_\_\_\_\_

\_\_\_\_\_

### For Business-Sponsored Pop-Up Vending ONLY:

**Vending Dates** (maximum of two per calendar month): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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## Submittal Requirements (required for each vendor):

- ☐ Business License – Copy of valid City of Albany business license or six-digit business licenses account number
- ☐ Seller's Permit – Copy of valid California Department of Tax and Fee Administration seller's permit. The permit must designate "City of Albany" as a location or sublocation.
- ☐ Mobile Food Facility Permit – Copy of Alameda County Department of Environmental Health permit for food sales only
- ☐ 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 vendor 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 vendor has no employees: a completed and signed exemption must be provided to the City. Vendor shall ensure any automobile used is adequately insured in accordance with the laws of the State of California.
- ☐ CalTrans Encroachment Permit – For vendors on San Pablo Avenue only
- ☐ Sidewalk Vending Encroach permit fee – annual fee  
See <https://www.albanyca.gov/Departments/Finance/Master-Fee-Schedule>

## CONDITIONS OF APPROVAL

1. **Permit Validity.** Encroachment permits for sidewalk vending are valid for one calendar year and for a maximum of two pop up events per month.
2. **Permit Display.** Each vendor shall prominently display a copy of a valid Sidewalk Vending Permit at all times.
3. **Clear Path of Travel.** A minimum flat, 4-foot (48-inch) wide by 6-foot 8-inch (80-inch) tall clear path of travel must be maintained at all times along the sidewalk. Vendors on Solano Avenue must maintain a 6-foot wide clear path of travel. Everything, including, but not limited to tables, carts, signage, shade structure covers and supporting posts, seating, and customer queuing must be located outside the clear path of travel.
4. **Buffer Distances.\*** Vendors must not be located within:
  - 500 feet from a freeway on-ramp or off-ramp
  - 300 feet radius from any school during the hours of 5 am - 6 pm when school is in session, City Park during city-sponsored events, or Solano Avenue sidewalk during sponsored Solano Avenue Association events (e.g. Solano stroll)
  - 50 feet from any from any fire station, police department, or hospital



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- 25 feet from any fire hydrant, restaurant during normal working hours, parklet, other sidewalk vendor, playground equipment area, dedicated dog park, picnic table, barbeque, playing field or court
  - 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, public bike rack, public hearing noticing board, or other sidewalk vendor
  - 5 feet from any US mailbox, above ground utility structure, subsurface utility box, news rack, City installed trash/recycling receptacles, public benches, street tree, building entrance/exit or entry pathway
  - 2 feet from any curb, dedicated bicycle path/lane, business frontage
- \* Business-sponsored pop-ups may be located in front of that business's frontage and within 2.5 feet of its entrance/exit provided a 4-foot clear path of travel is maintained.

## 5. Hours of Operation.

- In commercial zones: 7:00 a.m. to 9:00 p.m. daily
- In residential zones for roaming vendors only: 9:00 a.m. to 7:00 p.m. daily (stationary and pop-up vendors are not permitted in residential zones)

## 6. Maintenance.

- Bicycle paths located on the sidewalk
- All equipment must be secured to not roll away unattended, blow or topple over.
- All equipment must be stored off the public right-of-way when not in use.
- Permit holder must keep vending and surrounding area clear of debris and make available 3-stream (trash, recycling, and compost) bins/bags to patrons at all times.
- After close of business, vendors must dispose of beverage, serving materials and/or other trash left by their customers within a one hundred (100) foot radius from the vending site.

## 7. Prohibitions.

- No sales, distribution or use of alcohol, cannabis and tobacco products, weapons, pharmaceuticals, adult-oriented materials, or other items prohibited by law
- No motorized carts or vehicles (reasonable accommodation excepted)
- No offering of services (e.g. massage, insurance sales, tattoos, etc.)
- No furniture other than display table and one seat for vendor's use only



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- No selling or otherwise conducting transactions with persons in moving vehicles or vehicles illegally parked or stopped
- No running of electrical or extension cords within buffer areas or clear paths of travel – cords may not be exposed to the public
- No playing any music (live or recorded), program (podcast, radio, etc.); no use of loudspeakers or sound amplifying devices
- No electrical, flashing, wind-powered, or animated freestanding signs. Vending equipment may have signs attached to or painted on the vending equipment.

**8. Provisions of Permit.** This encroachment permit may be revoked at any time whenever: (1) the permitted vending, 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: \_\_\_\_\_