



Outdoor Cafe Manual

December 2023

About the Manual

Purpose

The City of Albany Outdoor Cafe Manual provides a comprehensive resource for all procedures, standards, and guidelines to help business owners design, operate, and obtain a permit for outdoor cafes.

The objective of the Manual is to encourage a vibrant, dynamic streetscape while balancing the needs of businesses and pedestrians, protecting the City’s infrastructure, and ensuring that everyone can safely, comfortably, and equitably use public spaces. The Manual updates and formalizes the outdoor dining regulations that came out of the COVID-19 pandemic to create a clear, fair, and predictive permitting process for all applicants.

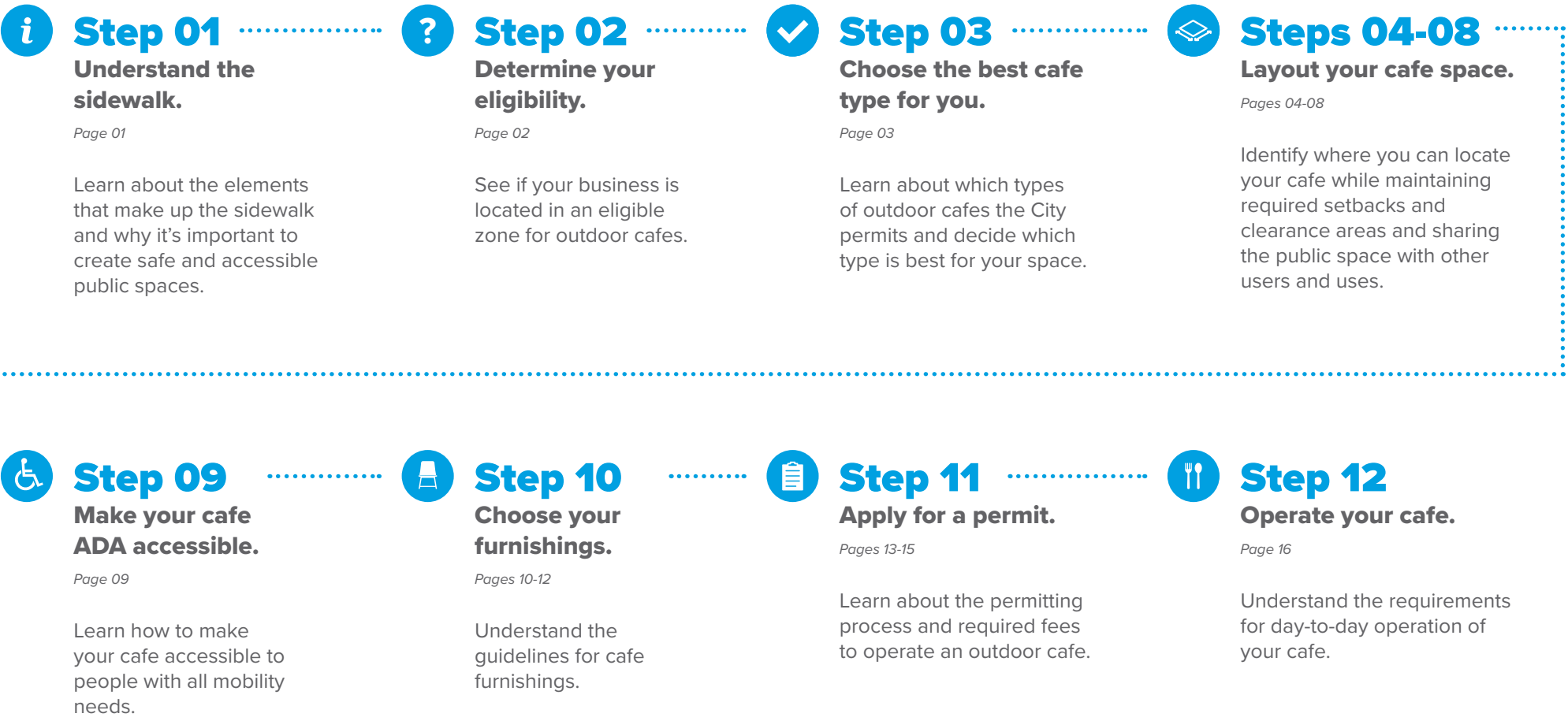
Timeline:

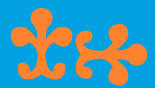
- 1991** Chapter 303 of the City Code is adopted to regulate Sidewalk and Outdoor Cafes.
- 2017** The Unified Sustainable Development Ordinance is adopted which updated zoning requirements for outdoor cafes.
- 2019** The Revocable Sidewalk Privilege Permit system was implemented.
- 2020** The Common Council adopted an emergency authorization for the operation of expanded cafes and outdoor dining.
- 2022** The Common Council passed an ordinance to make outdoor cafes permanent.
- 2023** This Outdoor Cafe Manual is developed.

The regulations in this Manual apply only to cafes in the public right-of-way (on City sidewalks or on public property). Outdoor cafes located on private property are not subject to the regulations in this Manual and are not required to apply for a Revocable Sidewalk Privilege Permit but must comply with all land use rules and regulations applicable to the business.

Finding Your Way

This Manual is a step-by-step guide to help you:





Step 01

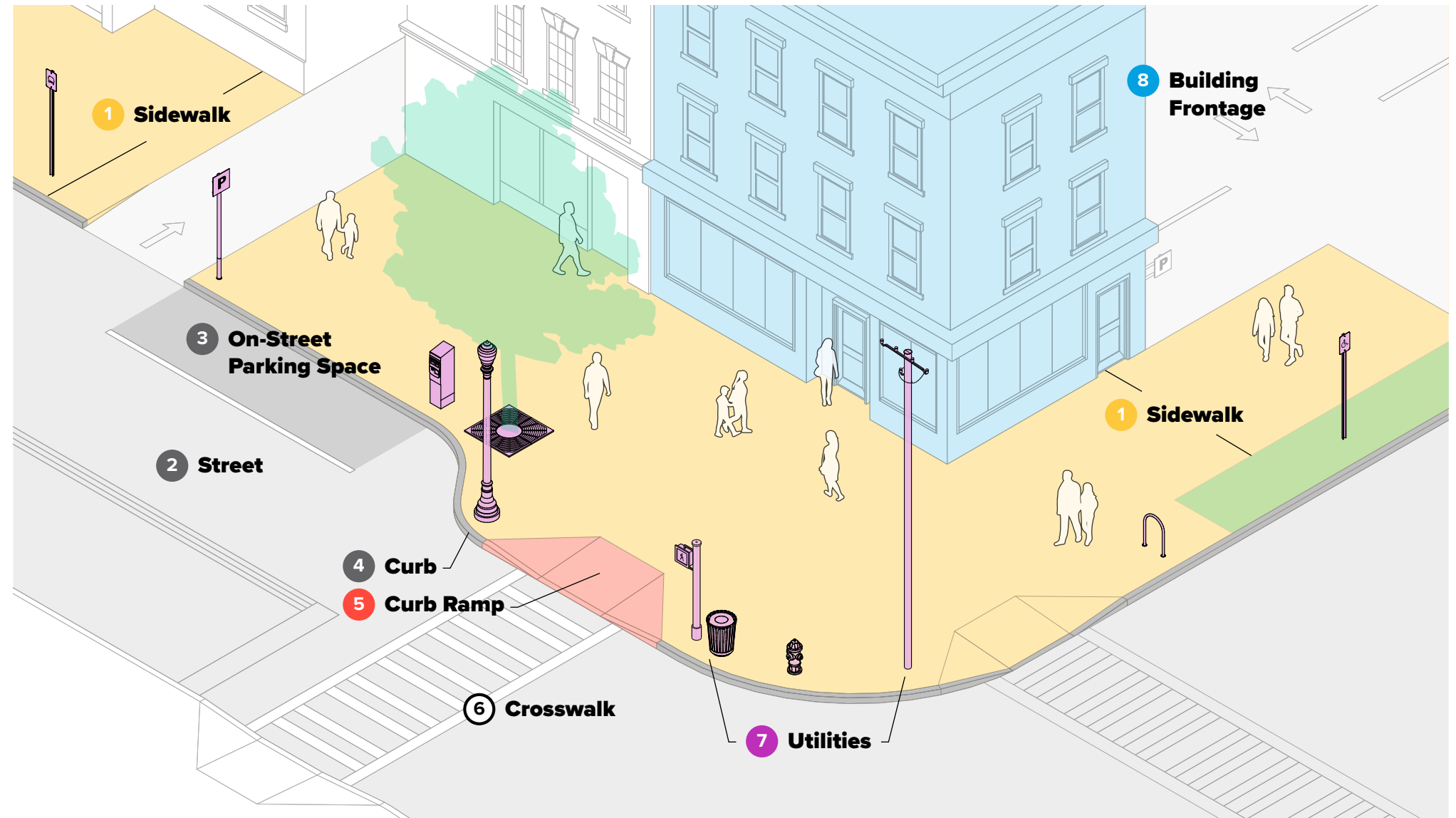
Understand the sidewalk space.

Guideline

The sidewalk and street are public spaces that should be safe, comfortable, and accessible for everyone.

The City of Albany encourages use of public spaces for outdoor dining in a way that equitably shares the sidewalk and street with everyone – including people walking, riding bikes, driving, or using transit – and with other uses – including loading, deliveries, and utility maintenance.

Business owners and the City have a shared responsibility to balance the needs of businesses with the needs of sidewalk users to create public spaces that are safe, comfortable, and accessible for people of all ages and abilities.



Legend

Important Terms

1 Sidewalk

The area between the inside edge of the curb and the adjacent property line that is used for pedestrian movement. If there is a grass verge, the sidewalk is measured from the edge of the grass to the property line.

There are certain areas of the sidewalk that cannot be used for outdoor cafes. See Pages 04 and 05 for more information on buffers, setbacks, and clearance areas.

2 Street

A public road for vehicle travel, including cars, buses, and bicycles.

3 On-Street Parking Space

An area of the street where cars can park, often next to the curb, which may be marked or unmarked.

4 Curb

The edge of the sidewalk.

5 Curb Ramp

A small ramp that connects the crosswalk to the sidewalk and provides an accessible route for pedestrians and wheelchairs.

6 Crosswalk

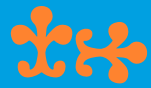
A marked part of the street where pedestrians can cross.

7 Utilities

Fixtures installed either on or under the sidewalk, including street signs, lamp posts, and fire hydrants.

8 Building Frontage

The face or faces of a building that are next to the sidewalk. Buildings on corners have frontage on two sides.



Step 02

Determine your eligibility.

Guideline

Outdoor cafes are permitted in most but not all zoning districts in the City of Albany.

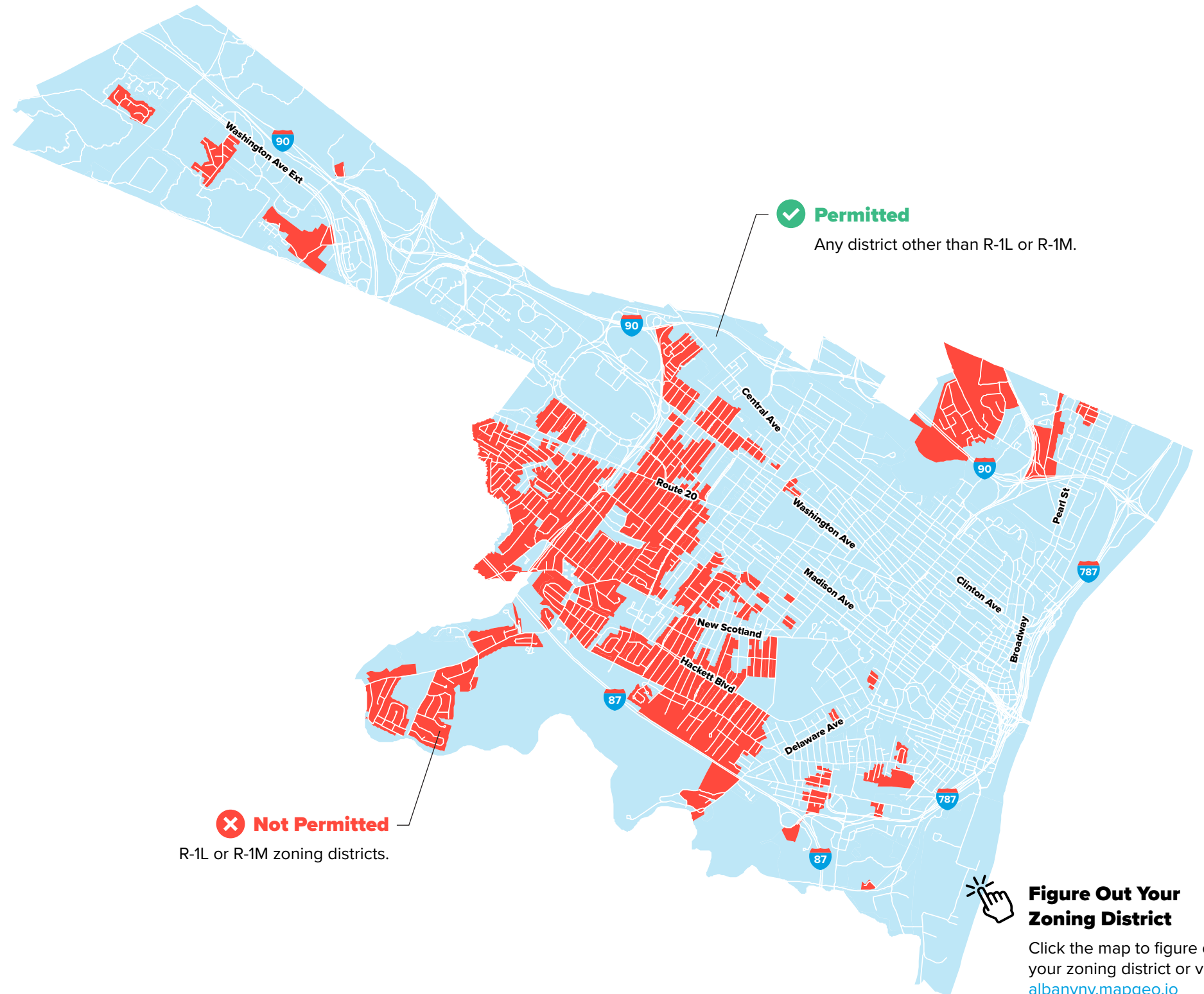
Outdoor cafes are permitted in the following zoning districts:

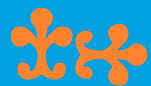
- Residential (R-2, R-T, R-M, R-V)
- Mixed-Use (MU-NE, MU-NC, MU-CU, MU-CH, MU-CI, MU-DT, MU-FW, MU-FC, MU-FS, MU-FM)
- Industrial (I-1, I-2)
- Land Conservation (LC)

Also take note if your cafe is located in a Historic District. If it is, your furnishings are required to be respectful of the character of that district. Any element (such as awnings) that is physically attached to a building located within a historic district or located on a landmark site will require review to ensure compliance with all applicable rules and regulations of the City Historic Resources Commission.

✗ Not Permitted

Outdoor cafes are not permitted in single-family zoning districts, including the Residential Single-Unit Low-Density (R-1L) district and the Residential Single-Unit Medium-Density (R-1M) district.





Step 03

Choose the best cafe type for you.

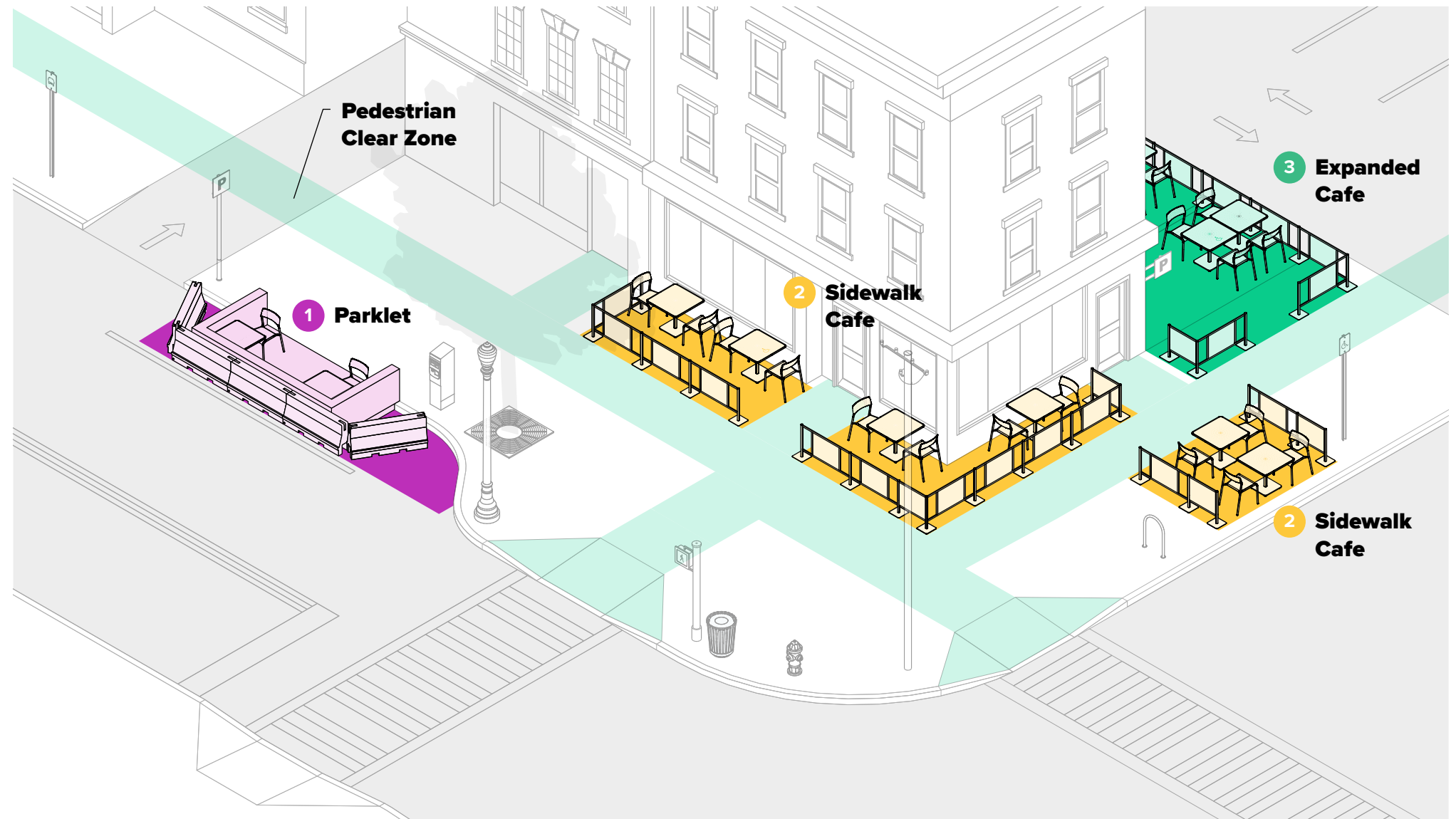
Guideline

The City of Albany permits three types of outdoor cafe options: (1) parklets, (2) sidewalk cafes, and (3) expanded cafes.

Sidewalk conditions and configurations vary across the city. Some outdoor cafe types work better in certain locations. Choose the outdoor cafe type that works best for you based on your business's location on the block and access to adjacent public property or on-street parking spaces.

✓ Permitted

If your space permits, you may combine any of the above cafe types with each other. For instance, you could combine a sidewalk cafe with a parklet – or a sidewalk cafe with an expanded cafe.



Legend Cafe Types

1 Parklet

A parklet is a “mini-park” created by replacing an on-street parking space or spaces in front of a business with an outdoor dining area. Parklets are often located on elevated platforms and must be protected from traffic by crash resistant barriers. Parklets are not permitted in handicap parking spaces, loading zones, or bus stops.

Parklets are permitted on City-owned streets with speed limits of 20 mph or less. Streets with speed limits greater than 20 mph will be considered on a case-by-case basis.

Where on-street parking spaces are not marked, one space is measured as 8' wide by 20' long.

2 Sidewalk Cafe

A sidewalk cafe is located on a portion of the public City-owned sidewalk in front of a business, either immediately adjacent to the building facade or along the curb.

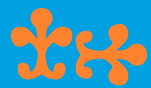
Curbside cafes must maintain a minimum 1' setback from the inside edge of the curb.

For corner buildings, sidewalk cafes can wrap around the front and side of the building.

3 Expanded Cafe

An expanded cafe is located on public property adjacent to a business, such as a public parking lot, plaza, or alleyway.

If you want to extend your cafe space past the storefront boundaries of your business, you must have an agreement in place with the neighboring property owner.



Step 04

Identify required buffers.

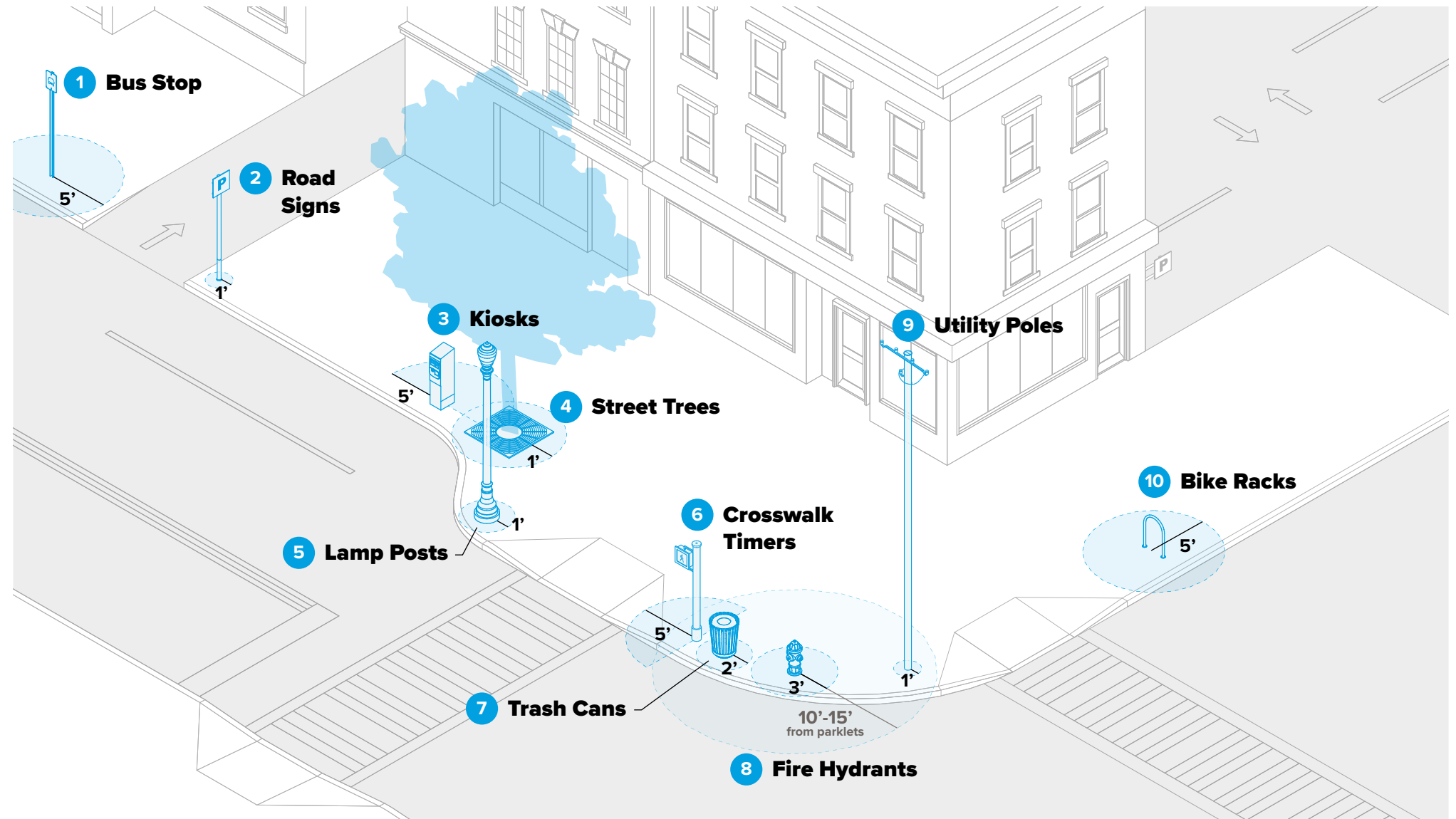
Guideline

Appropriate buffers are required from street fixtures like utility poles, hydrants, bike racks, and other above-ground fixtures.

It's important to make sure these street fixtures can still function, be maintained, and are not in the way of where people will walk once your cafe is installed. Identify any street fixtures located in your proposed cafe space and use the diagram to determine the required buffers.

✗ Not Permitted

No portion or element of your sidewalk cafe can be located within these buffers.



Legend

Required Buffers

1 Bus Stop

Min. 5' buffer from bus stop signs; min. 10' setback on all sides from bus shelters to allow adequate space for people to queue.

2 Road Signs

Min. 1' buffer.

3 Kiosks

Min. 5' buffer on the operable side of the kiosk to allow adequate space for people to stand at and use the kiosk. A clear path must also be provided from the pedestrian clear zone to the operable side of the kiosk.

Kiosks include parking meters, mailboxes, utility boxes, and other objects that people must stand at to use.

4 Street Trees

Min. 1' buffer from the edge of the tree pit to protect tree limbs.

5 Lamp Posts

Min. 1' buffer.

6 Crosswalk Timers

Min. 5' buffer on the side of the timer that has the push button. A clear path must also be provided from the pedestrian clear zone to the push button.

7 Trash Cans

Min. 2' buffer. A clear path must also be provided from the pedestrian clear zone to the trash can.

8 Fire Hydrants

Min. 3' buffer on all sides to allow for unobstructed emergency or maintenance access. For parklets, a min. 10' to 15' buffer is required along the curb.*

**Per §359-22 of the City of Albany Code.*

9 Utility Poles

Min. 1' buffer to allow for unobstructed emergency or maintenance access.

Utility poles also include traffic signals.

10 Bike Racks

Min. 5' buffer to allow adequate space for bikes to be secured. A clear path must be provided to the pedestrian clear zone.



Step 05

Identify required setbacks.

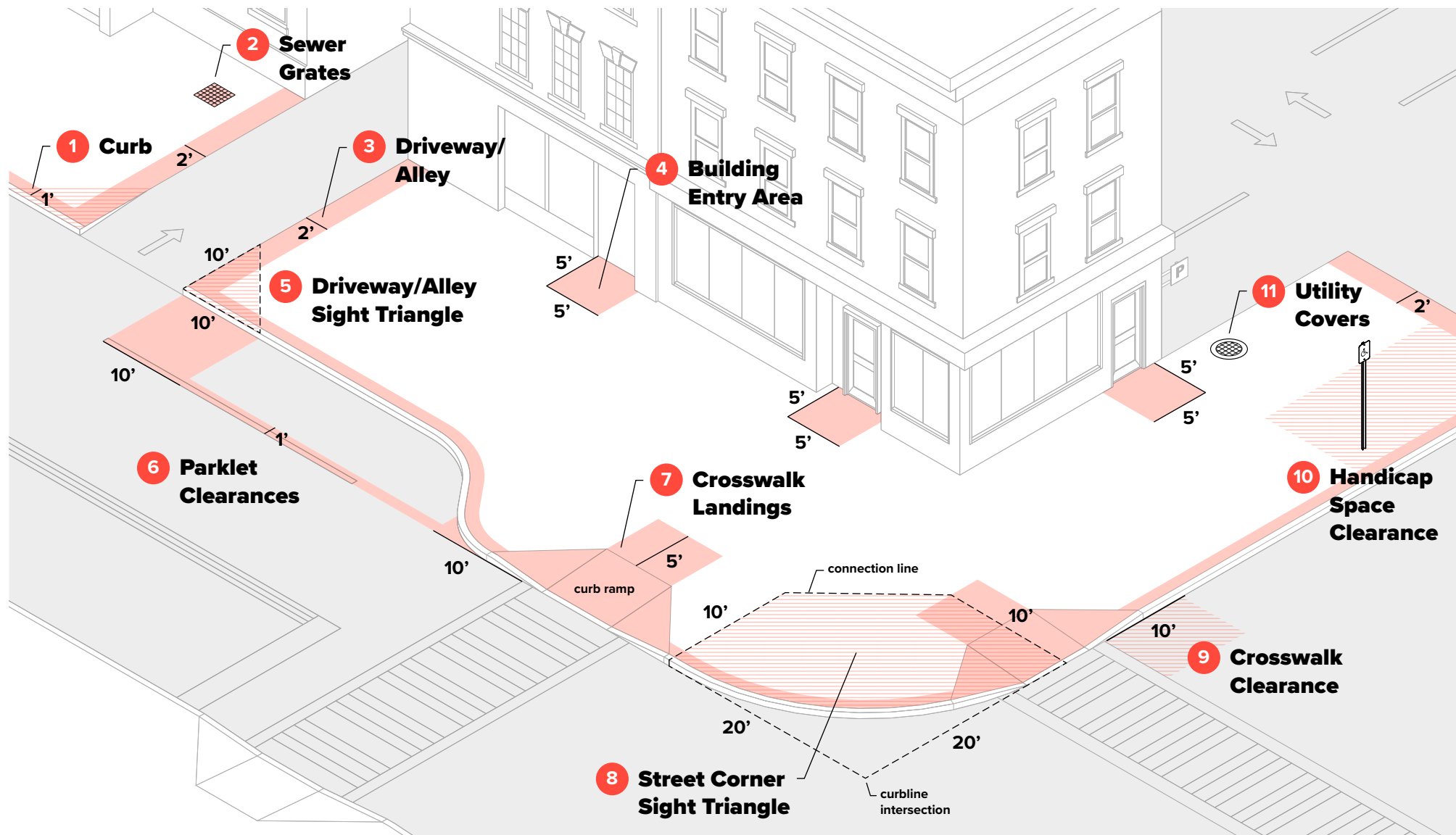
Guideline

Certain elements of the street, like crosswalks, driveways, and handicap parking spaces, require setbacks or clearance areas so pedestrians and drivers can safely use them.

Use the diagram to help you identify which elements of the street in your proposed cafe space will require setbacks or clearance areas. Also make note of where building entries and exits are located.

✗ Not Permitted

No portion or element of your sidewalk cafe can overlap with any required setbacks or clearance areas.



Legend

Setbacks and Clearance Areas

1 Curb

Min. 1' setback to allow space for parked vehicles to open car doors.

Note: No furnishings are allowed on the portion of New Scotland Avenue with the graded sidewalk.

2 Sewer Grates

May not be covered by cafe furnishings.

3 Driveway/Alley

Min. 2' setback to protect from vehicles.

4 Building Entry Area

Min. 5' x 5' clearance.

Only applies to building entries that are in use or that are used for emergency egress.

5 Driveway Sight Triangle

A min. 10' by 10' unobstructed triangle must be maintained where driveways or alleys intersect with the street to ensure clear sightlines for drivers.

6 Parklet Clearances

Parklets must have a min. 1' setback from travel lanes including bike lanes, a min. 10' setback from crosswalks*, and a min. 10' setback from driveways or alleys to protect from moving vehicles.

7 Crosswalk Landings

Area extending min. 5' from the end of the curb ramp to connect the crosswalk to the pedestrian clear zone. Curb ramp flares must be unobstructed as well.

8 Street Corner Sight Triangle

To ensure safe sight lines for drivers approaching intersections, no furnishings can be placed in the area at the corner formed by measuring 20' along the curb lines, then 10' into the sidewalk, and connecting these points (see diagram).

Per §375-406 of the City of Albany Code.

9 Crosswalk Clearance

Furnishings along the curb in the roadway cannot be placed any closer than 10' from the leading edge of a crosswalk.*

10 Handicap Space Clearance

No cafe furnishings can be placed along the curb for the length of any on-street handicap parking spaces to allow for wheelchairs to exit and enter vehicles.

11 Utility Covers

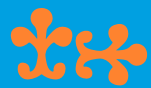
May be covered by easily-movable, temporary cafe furnishings.

There may be times when you are asked to move cafe furnishings to allow access to underground utilities. Usually, you will be notified ahead of time if this is necessary, but there may also be emergencies that will require immediate removal of furnishings. Any damage to the cafe area as a result will be the responsibility of the cafe owner.

12 Loading Zone Clearance

Min. 5' setback from the inside edge of curb for the length of the zone.

**If there is no painted crosswalk, setbacks should be measured from the end of the turn radius (where the curb flattens out).*



Step 06

Locate your pedestrian clear zone.

Guideline

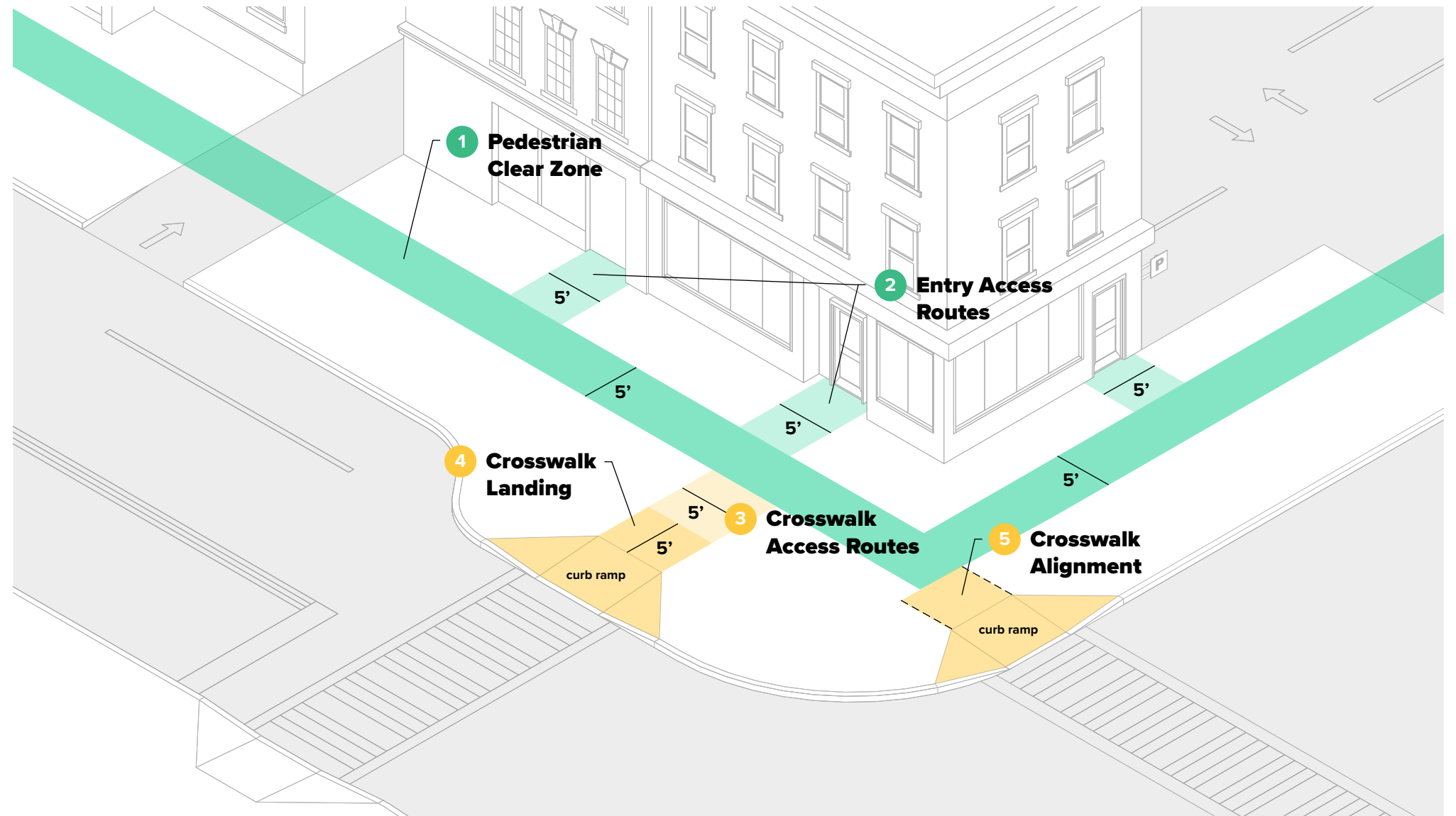
An unobstructed “pedestrian clear zone” is required for pedestrian movement on the sidewalk.

The pedestrian clear zone ensures that people moving past your cafe have enough room on the sidewalk to do so safely and comfortably. The pedestrian clear zone is the highest priority on the sidewalk and must not be obstructed by any portion or element of your cafe. Your cafe should be designed so that the pedestrian clear zone is as straight as possible and does not zig-zag. The minimum width of the pedestrian clear zone is 5 feet. Where space allows, wider pedestrian clear zones are recommended to create a comfortable space for pedestrians on the sidewalk.

In addition, minimum 5-foot-wide access routes are required to connect the pedestrian clear zone to building entries and crosswalks.

✗ Not Permitted

No portion or element of your sidewalk cafe, including barrier footings, can overlap with the pedestrian clear zone, entry access routes, or crosswalk access routes.



Legend

Pedestrian Clearance Areas

1 Pedestrian Clear Zone

Min. 5' unobstructed zone for pedestrian movement that must be as straight as possible.

In certain locations, the City may require a wider pedestrian clear zone if warranted.

2 Entry Access Routes

Min. 5' wide connection from building entries to the pedestrian clear zone.

Only applies to building entries that are in use or that are used for emergency egress.

3 Crosswalk Access Routes

Min. 5' wide connection from crosswalk landings to the pedestrian clear zone.

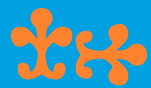
4 Crosswalk Landing

Area extending 5' from the end of the curb ramp to connect the crosswalk to the pedestrian clear zone. Curb ramp flares (sides) must be unobstructed as well.

**Per §406 of the Americans with Disabilities Act (ADA).*

5 Crosswalk Alignment

Pedestrian clear zone should align with the curb ramp to the extent possible.



Step 07

Identify where your cafe can go.

Guideline

The space on the sidewalk within the storefront boundaries of your business and outside the pedestrian clear zone or any required buffers, setbacks, and clearance areas can be used for your sidewalk cafe.

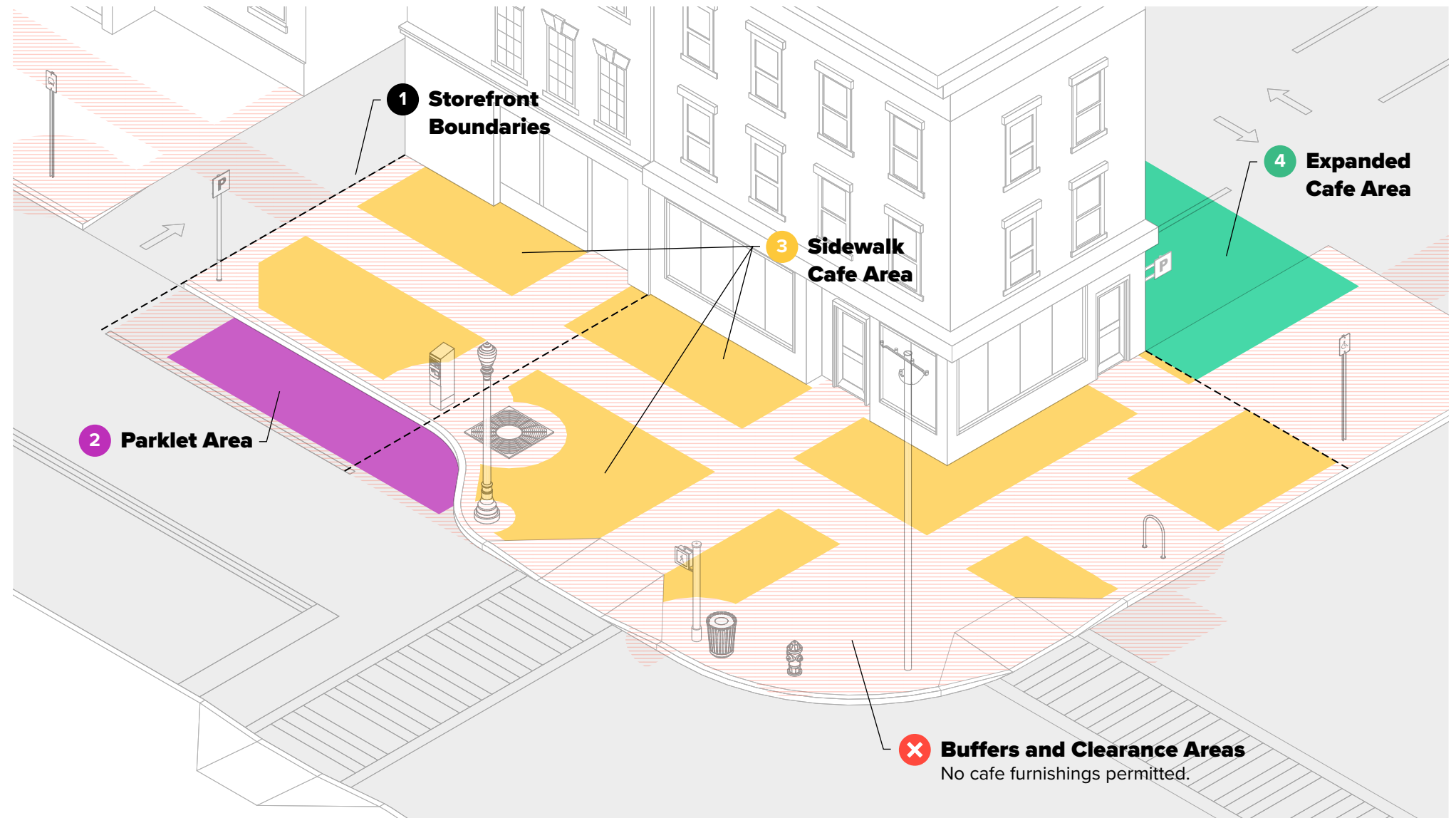
Based on your available space, choose the cafe type and location that works best for you. Refer back to Step 03 to help you decide.

✓ Permitted

You may extend your cafe space past the storefront boundaries of your business if you have an agreement in place with the property owner. You may extend your parklet into on-street parking spaces outside the storefront boundaries of your business if you have an agreement in place with the property owner.

✓ Permitted

If your space permits, you may combine cafe types together. For instance, you could combine a sidewalk cafe with a parklet – or a sidewalk cafe with an expanded cafe.



Legend

Potential Cafe Locations

1 Storefront Boundaries

Area extending linearly from the face of the building to the street, including on-street parking.

2 Parklet Area

Parklets can be located in on-street parking spaces within the storefront boundaries of a business.

If on-street parking spaces are not marked, parklets are permitted on streets with speed limits of 20 mph or less.

3 Sidewalk Cafe Area

Sidewalk cafes are located in the public sidewalk within the storefront boundaries of a business.

4 Expanded Cafe Area

Expanded cafes can extend into public property adjacent to a business, like parking lots, public plazas, or alleys.

✗ Buffers and Clearance Areas

No portion or elements of the outdoor cafe, including barrier footings, can overlap with the pedestrian clear zone or other required buffers, setbacks, and clearance areas.

See Pages 04 through 06 for more information about required buffers and clearance areas.



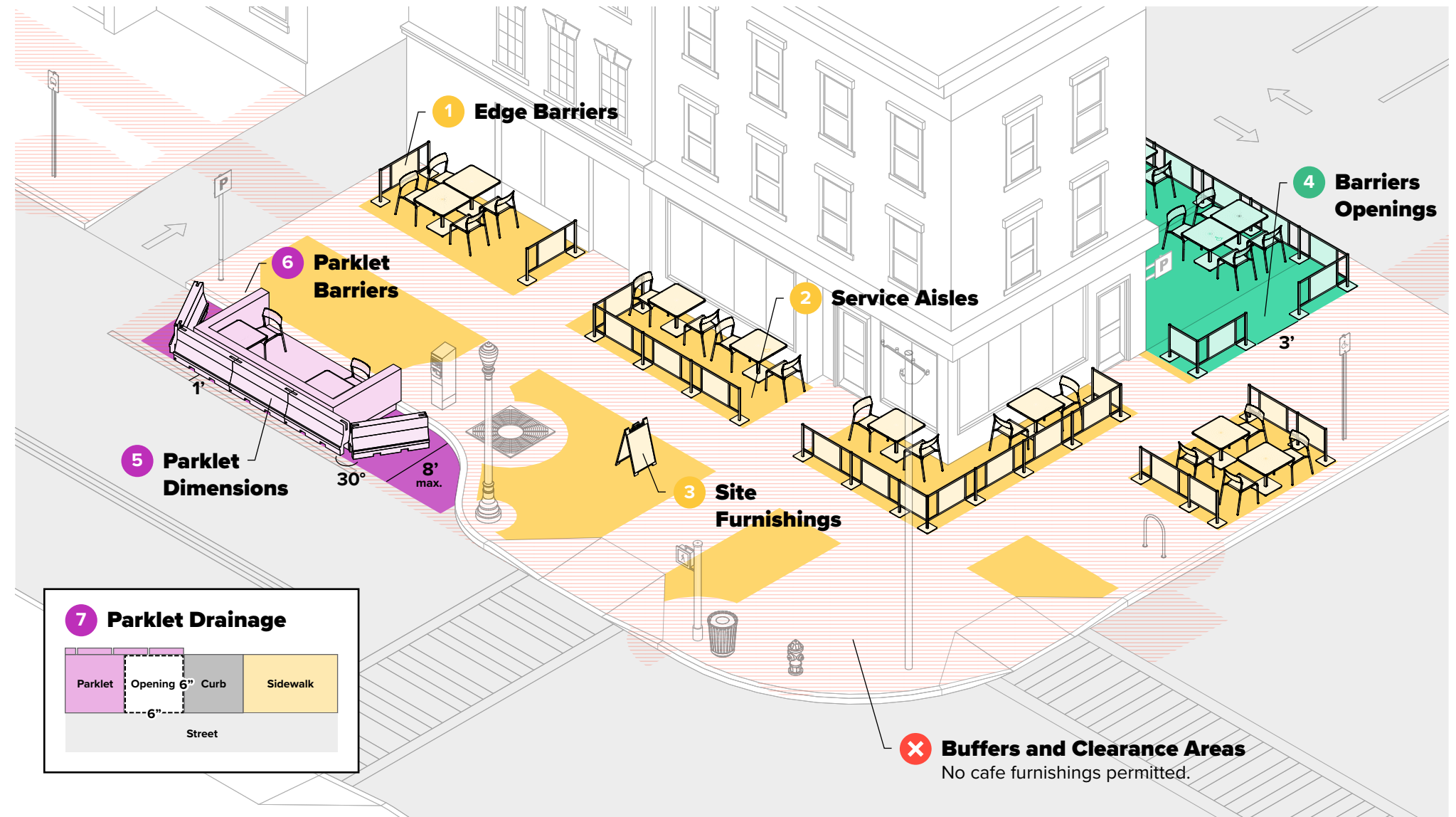
Step 08

Layout your cafe space.

Guideline

The layout of your cafe space must follow basic requirements for safety and accessibility.

These requirements help separate your cafe space from the pedestrian clear zone and make sure that customers can safely access and move around in your cafe.



Legend

Cafe Layout Requirements

1 Edge Barriers

Barriers are required at each end of the cafe space (perpendicular to the pedestrian clear zone) to provide a divider between the cafe space and pedestrian movement.

In accordance with NYSLA regulations, cafes that serve alcohol must have barriers on all sides to provide a complete enclosure of the cafe space. (See Chapter 165 of 2022.)

2 Service Aisles

Aisles within cafes should allow enough room for customers and servers to move around.

3 Site Furnishings

All cafe furnishings must be located outside the pedestrian clear zone and other buffers, setbacks, and clearance areas.

4 Barrier Openings

A min. 3' opening is required to access cafe spaces.

5 Parklet Dimensions

Parklets are limited to a maximum width of 8', inclusive of barriers. A 1' buffer is required between the travel lane and the parklet barriers. Barriers facing traffic must be connected at 30° to create an angle of deflection in case of vehicle collisions.

6 Parklet Barriers

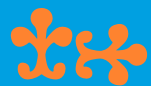
Crash resistant barriers are required on all sides of the parklet facing traffic.

Parklet barriers will be available to rent from the City. Applicants can purchase approved barriers (see Page 12) from other suppliers if they choose.

7 Parklet Drainage

Note: Drainage openings are only required if parklets are located on platforms.

Parklets located on platforms must have a 6" by 6" opening along the length of the parklet adjacent to the curb to allow for drainage.



Step 09

Make your cafe ADA accessible.

Guideline

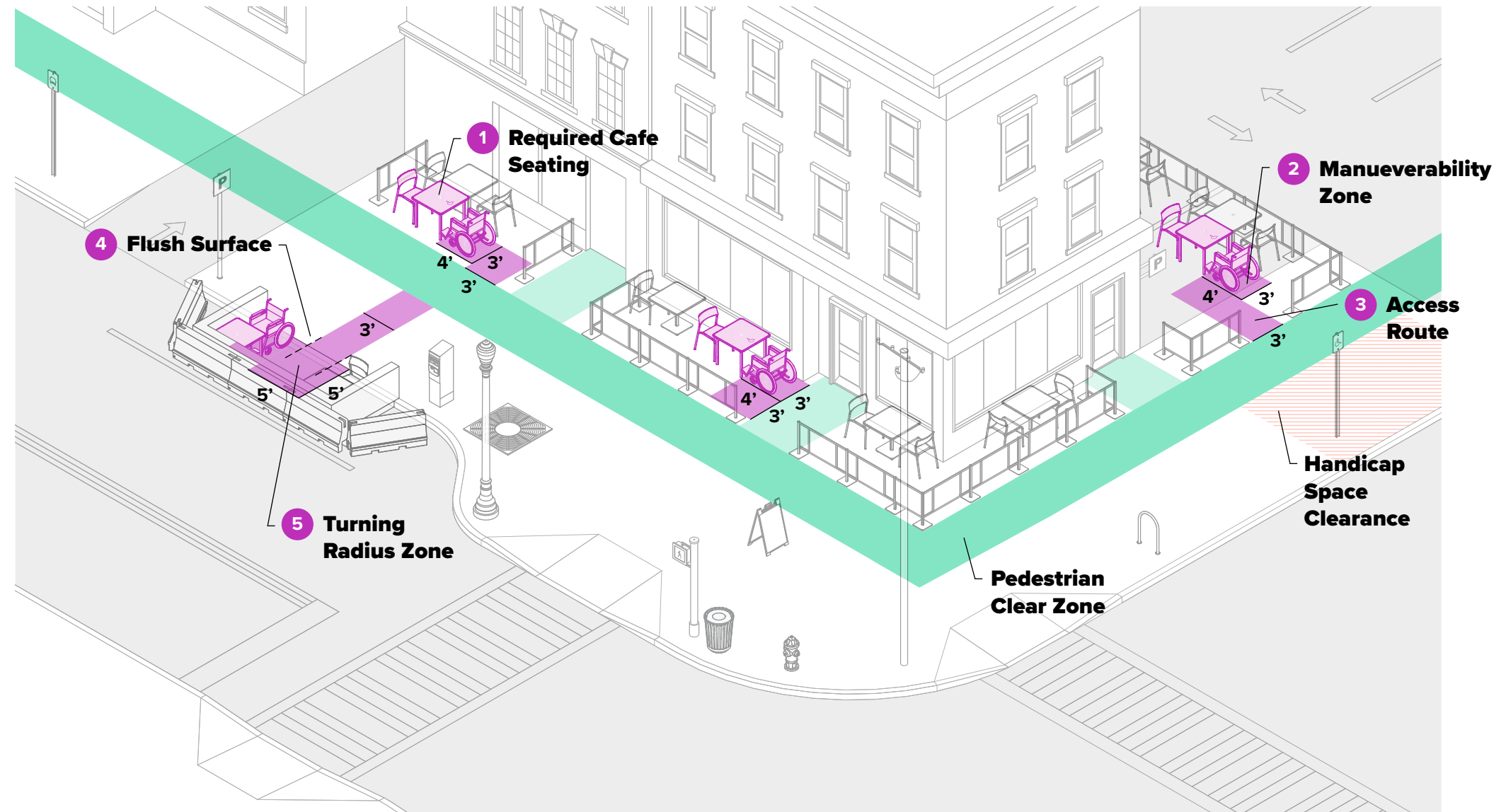
Your cafe should be designed to provide equal accessibility to individuals with disabilities.

This is required by Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12181-89, which took effect in 1990. To make your cafe ADA accessible, you will need to make sure you are providing adequate access routes and zones for wheelchair movement. Depending on the number of seats in your outdoor cafe, you may also be required by law to provide a certain number of seats that are accessible to those in wheelchairs. The City of Albany recommends at least one accessible seat per outdoor cafe to create an inclusive experience for all users.

✗ Not Permitted

All parklet and sidewalk surfaces must be level and slip-resistant. The sidewalk surface cannot be covered with carpets, flooring, or other materials.

Artificial turf is permitted if it is ADA compliant. ADA compliant turf must have a beveled edge no greater than 1:2 on all sides to create a smooth transition between the sidewalk surface and the turf.



Legend

Accessibility Requirements

1 Required ADA Seating*

If your outdoor cafe has 20 seats or more, 1 accessible seat must be provided for every 20 seats in the outdoor cafe.

If you are operating a combined cafe, the number of required accessible seats is based on the total number of seats you have across all outdoor cafe areas.

Accessible seats must meet certain design requirements. See Page 10 for more information.

2 Maneuverability Zone*

Accessible seats must have a min. 3' wide by 4' deep maneuverability zone. This allows enough space for wheelchair access.

3 Access Route*

A min. 3' wide access route must be provided from accessible seats to the pedestrian clear zone, the business entrance, and the restrooms.

4 Flush Surface (for parklets)

Note: If a parklet is the only form of outdoor cafe you are operating and the parklet has 20 or more seats, then the parklet is required by law to be ADA compliant.

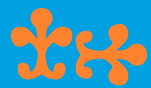
To be ADA compliant, parklets located on elevated platforms must be vertically flush with the sidewalk and must be located no more than 1/2" horizontally from the edge of the curb. Parklets located at street level must provide an ADA compliant ramp.

5 Turning Radius Zone (for parklets)

Note: If a parklet is the only form of outdoor cafe you are operating and the parklet has 20 or more seats, then the parklet is required by law to be ADA compliant.

To be ADA compliant, parklets must have an unobstructed 5' by 5' area adjacent to the accessible seat to allow wheelchairs to turn around. A minimum 3' wide access route must connect the accessible seat to the pedestrian clear zone.

**In an accessible seating area or along an accessible route, changes in grade between 1/4" and 1/2" must be beveled with a slope not steeper than 1:2. Any change in grade greater than 1/2" requires an ADA compliant ramp per §303.4 of the Americans with Disabilities Act (ADA). See Page 12 for more information.*



Step 10

Choose your furnishings.
(as required)

Guideline

Cafe furnishings are required to comply with certain regulations for design, safety, and accessibility.

Use the guidelines on this page and the following pages to help you select appropriate products to furnish your cafe.

✗ Not Permitted

Trash receptacles, serving stations, sofas, televisions, and shelves are not permitted.

✗ Not Permitted

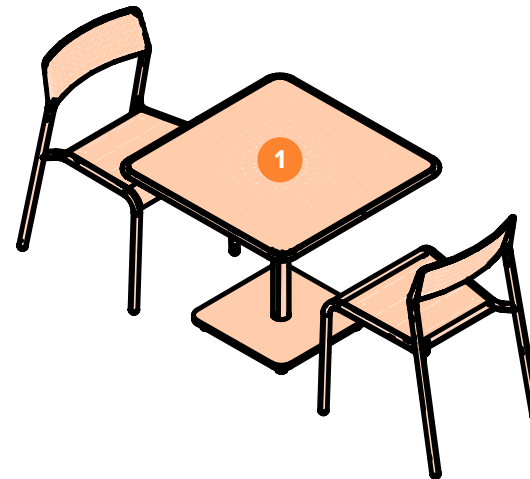
Furnishings cannot be made of easily-breakable plastics, plastic resin, or unfinished wood. Materials that rust or stain the sidewalk are prohibited.

✗ Not Permitted

No furnishings can be bolted, anchored, or otherwise affixed to the sidewalk. Securing furnishings to City property including trees, utility/light poles, street signs, and other street fixtures is prohibited.

cafes are prohibited.

Design Requirements Standard Seating



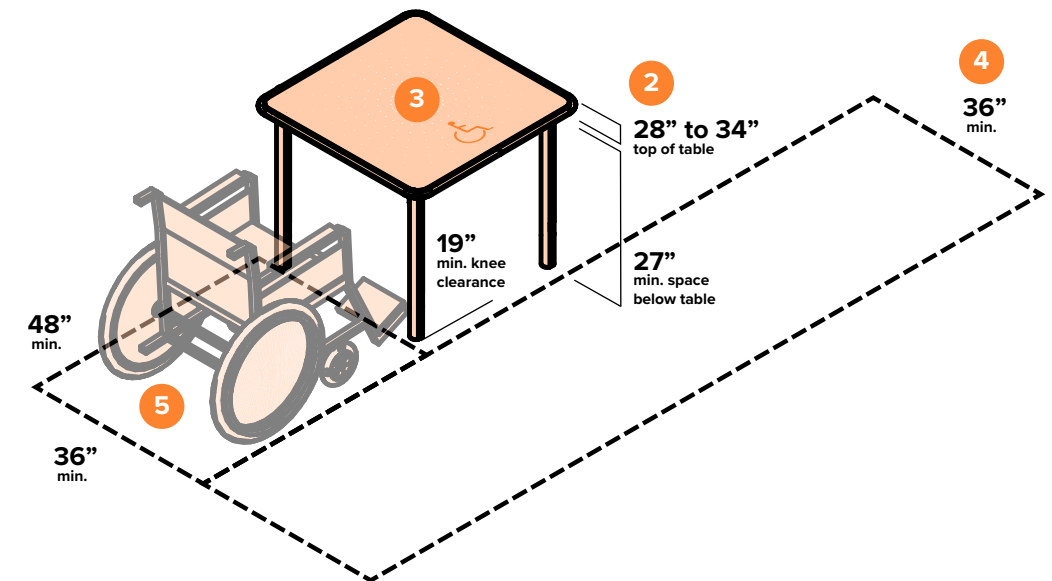
1 Materials

Tables and chairs must be made from high-quality, visually appealing materials that are durable and can withstand heavy use and inclement weather. Acceptable materials include: metals, finish-grade woods, and sturdy recycled materials. Chairs may incorporate water resistant fabric or upholstered elements made for outdoor use, but must be maintained in clean condition at all times.

! Important

All tables, chairs, and decorative accessories within the outdoor cafe should be lightweight, easily movable, and easy to assemble and break down.

Design Requirements Accessible Seating



1 Required Number of Seats

If your outdoor cafe has 20 seats or more, 1 accessible seat must be provided by law for every 20 seats in the outdoor cafe.

2 Accessible Table Dimensions

- Table surface must be between 28" and 34" high.
- Required minimum of at least 27" of space from floor to the bottom of the table.
- Required minimum of at least 19" of knee clearance under the table.

High or bar-stool height tables and chairs are not ADA compliant. If high or bar-stool tables and chairs are used, an accessible seating option should be provided as well to make the

3 Accessible Table Marking

Accessible tables must have a label displaying them as ADA accessible.

4 Access Route

ADA accessible seats must be accessible by a minimum 36" wide unobstructed path.

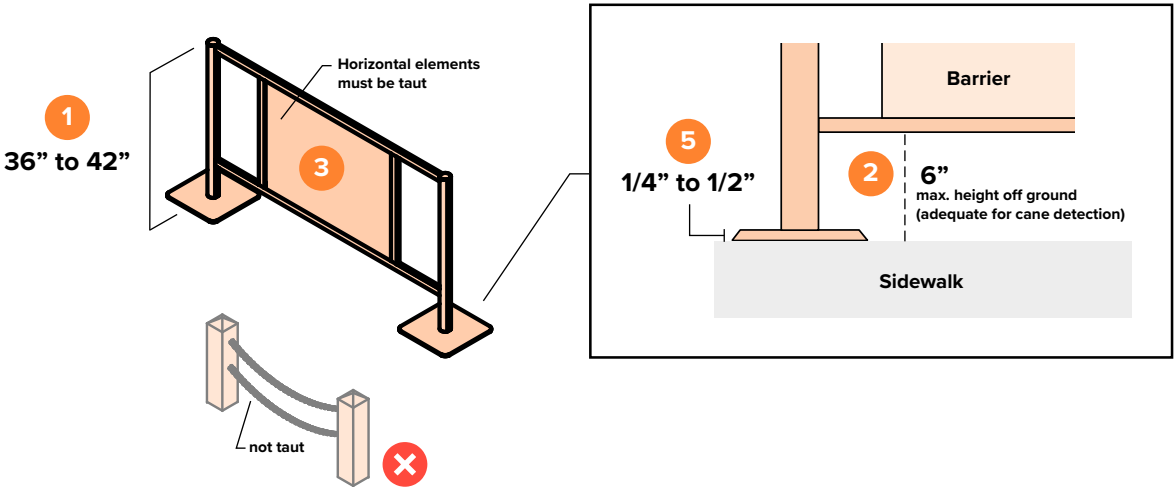
See Page 09 for additional information on access routes.

5 Maneuverability Zone

Accessible wheelchair spaces must have a minimum width of 36" and a minimum depth of 48".

See Page 09 for additional information on the maneuverability zone.

Design Requirements
Barriers



1 Dimensions

Barriers must be 36” to 42” in height. Barriers should be placed no more than 8” apart to create a continuous perimeter.

The requirements for parklet barriers are on Page 12.

2 Ground Clearance

For the safety of people with visual impairments, barriers’ lowest points must be a maximum of 6” off the ground so they can be detected by canes.

Stanchions, ropes, and other barriers whose lowest point is more than 6” off the ground cannot be used.

3 Materials

Barriers should be made from high-quality materials that are stable, durable, and visually appealing. Acceptable materials include: metal, finished wood, or metal-framed water-resistant textiles. Horizontal elements must be taut.

The requirements for parklet barriers are on Page 12.

4 Entry Points

Customer access points between barriers should be a minimum of 3’ wide.

5 Freestanding Footings

Barrier footings must be between 1/4” and 1/2” thick with tapered edges. They must be flush with the sidewalk and freestanding. Footings cannot be attached to the sidewalk. This is to prevent damage to the sidewalk and to facilitate easy removal. No part of the footing can extend into the pedestrian clear zone.

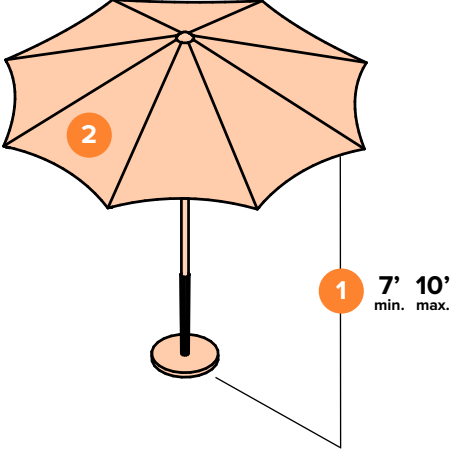
6 Planters as Barriers

Outdoor planters may be used as barriers, but may not be spaced more than 24” apart in order to create the effect of a continuous perimeter. Planters may be spaced more than 24” apart if a toe rail (max. 6” off the ground) is installed between them for cane detection. Planters can be between 30” and 48” tall, but plant material shall not exceed 7’ in height in order to allow for visibility into the cafe space. Plants must be well-maintained and planters kept free of trash and debris.

7 Alcohol-Serving Cafes

Per NYSLA regulations, cafes and parklets that serve alcohol are required to be enclosed on all sides, except for access points.

Design Requirements
Overhead Objects



1 Required Clearance

Hanging or overhead objects, such as canopies, awnings, umbrellas, and string lights, must have a clearance of at least 7’ from the ground and a maximum height of 10’ to provide adequate clearance for pedestrian movement below and to prevent overhead objects from interfering with street trees or blocking building signage.

2 Materials

Materials must be designed for outdoor commercial use. Heavy duty fabrics are required and canvas is preferred.

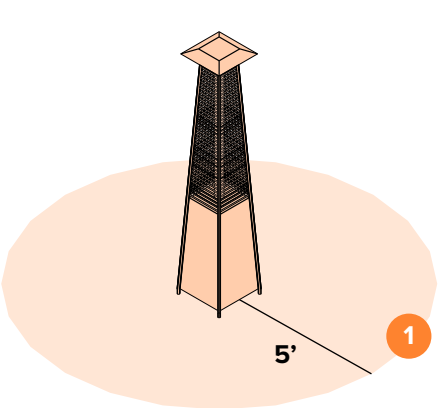
✗ Not Permitted

Overhead objects may not protrude horizontally into the pedestrian clear zone or other clearance areas.

✗ Not Permitted

Heaters cannot be placed underneath overhead objects, including canopies, awnings, and umbrellas.

Design Requirements
Heaters



1 Required Buffer

Heaters must be located at least 5’ from buildings, curbs, and combustible materials including awnings and street trees.

2 Safety

The heating element must be permanently guarded to prevent accidental contact and/or tampering. Heaters must follow all federal, state, and local fire code regulations.

See the New York State Fire Prevention and Building Code and §197 of the City of Albany Code.

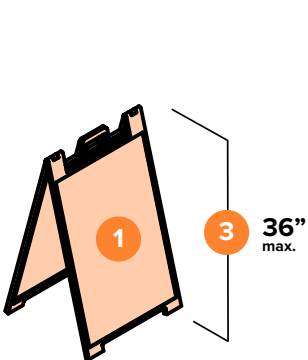
3 Storage

Heaters and propane tanks must be stored inside when the establishment is closed. Electrical cords must be disconnected when not in use.

✗ Not Permitted

Generators are not permitted in sidewalk cafe spaces.

Design Requirements
Signage



1 Advertisements

Note: Signs are permitted subject to all requirements in §375-409 of the Code.

The name and logo of the restaurant are permitted on umbrellas, valances, or sandwich-style signs. Menus and service information is permitted on sandwich-style signs.

2 Materials

Names and logos must be physically adhered to the fabric of umbrellas and valances. Sandwich-style signs must be secured so they do not blow over or pose a tripping hazard.

3 Height

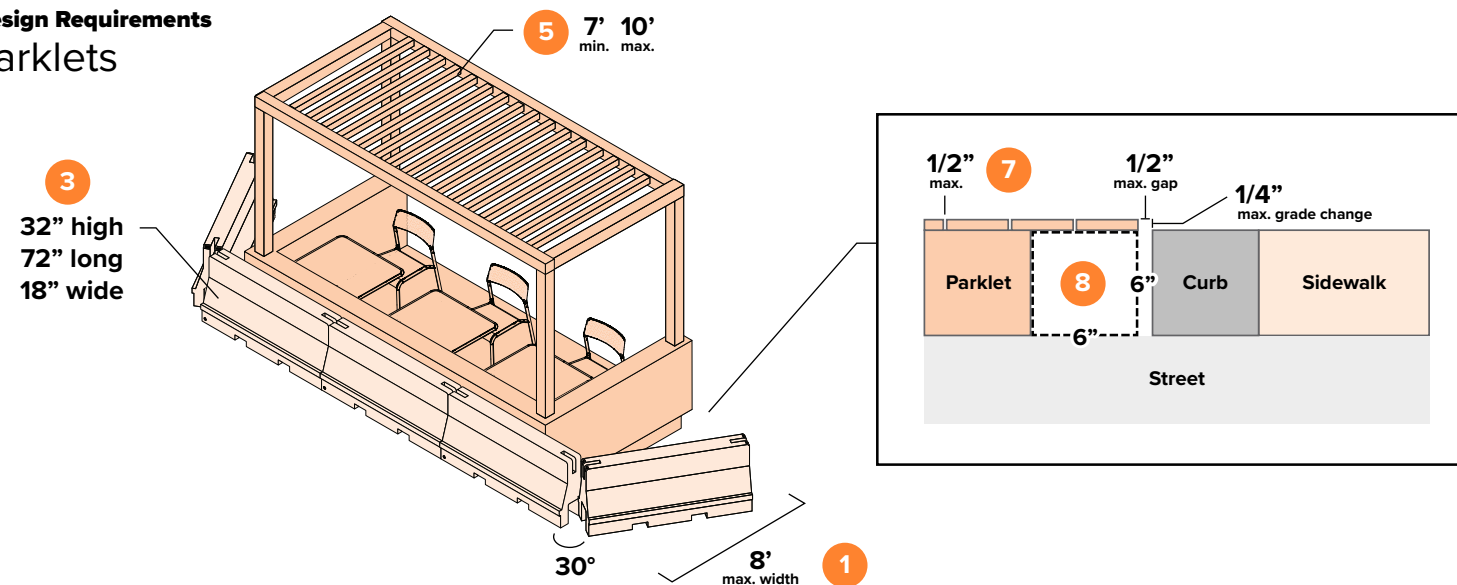
Sandwich-style signs must be no taller than 36”.

✗ Not Permitted

Tables, chairs, barriers, and other furnishings not listed above are not permitted to have advertisements.

Design Requirements

Parklets



1 Dimensions

Parklets are limited to a maximum width of 8', inclusive of the barriers. A 1' buffer is required between the street-facing edge of the parklet and the travel lane.

2 Materials

Parklets must be constructed from high-quality materials that are stable, durable, and visually appealing. Acceptable materials include metal and finished wood. Perimeter barriers have special design requirements (see below).

3 Parklet Barriers

Crash resistant barriers must be installed on all sides of the parklet except the side adjacent to the sidewalk in order to protect patrons seated in the cafe from vehicle impacts. Barriers can be rented from the City or purchased from another supplier. Barriers that are MASH (Manual for Assessing Safety Hardware) tested and approved are recommended. Barriers must be 32" high, 72" long, at least 18" in width, and must be white or orange in color. Barriers must be interlocked to form a continuous perimeter and must be filled with water (150 pounds of fill per linear foot of barrier length).

without permission from the City.

4 Nighttime Visibility

The street-facing sides of parklet barriers must be affixed with a reflective strip for nighttime visibility.

5 Overhead Structures

Overhead structures must have a minimum height of 7' above the street level and a maximum height of 10'. No portion of the overhead structure can extend into the travel lane or pedestrian clear zone. Screening is permitted on the street-facing sides of the parklet so long as it maintains clear visibility (e.g., plantings, lattice, clear plexiglass) and is fire-resistant. Vertical supports can be affixed to the top of barriers, but not to the outside of barriers.

6 ADA Compliant Parklets

Note: If a parklet is the only form of outdoor cafe you are operating and the parklet has 20 or more seats, then the parklet is required by law to be ADA compliant.

To be ADA compliant, parklets located on elevated platforms must be vertically flush with the sidewalk and must be located no more than 1/2" horizontally from the edge of the curb. Parklets located at street level must provide an ADA compliant ramp. Parklets must also have an unobstructed 5' by 5' area adjacent to any accessible seats to allow wheelchairs to turn around. A minimum 3' wide access route must connect accessible seats to the pedestrian clear zone.

7 Platforms

Note: Platforms are not required but are recommended for ADA compliant parklets.

Freestanding platforms (not affixed to the street) are recommended. The surface of the platform must be level with the surface of the adjacent sidewalk (maximum difference of 1/4") and there must be no more than a 1/2" gap between the edge of the curb and the edge of the platform. Openings in the flooring surface of the platform cannot be greater than 1/2".

8 Drainage

Note: Drainage openings are only required if parklets are located on platforms.

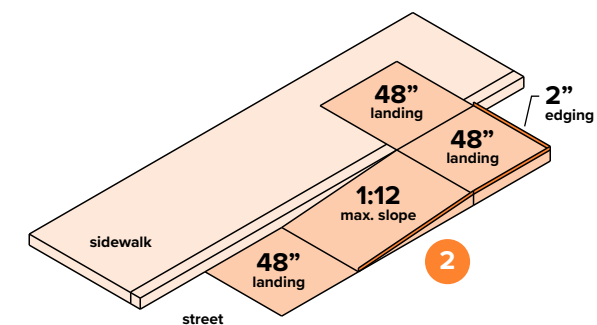
A minimum 6" by 6" opening must be provided below the flooring surface of the parklet platform for the length of the curb to allow for drainage.

9 Maintenance

Parklets should be designed for easy removal to accommodate street maintenance.

Design Requirements

Flooring and Ramps



1 Flooring Surfaces

The existing sidewalk or paver surface must be maintained and cannot be covered with another material.

Artificial turf is permitted if it is ADA compliant. ADA compliant turf must have a beveled edge no greater than 1:2 on all sides to create a smooth transition between the sidewalk surface and the turf.

2 Grade Changes

In an accessible seating area or along an accessible route, changes in grade between 1/4" and 1/2" must be beveled with a slope not steeper than 1:2. Any change in grade greater than 1/2" requires an ADA compliant ramp. To be ADA compliant, a ramp must be a minimum of 48" wide with a maximum slope of 1:12. The ramp must be made of stable, non-skid materials and must have edge protection (min. 2" height) along the direction of travel to create a barrier. Minimum 48"-long clear landings are required at the top and bottom to provide room for wheelchairs to access the ramp.

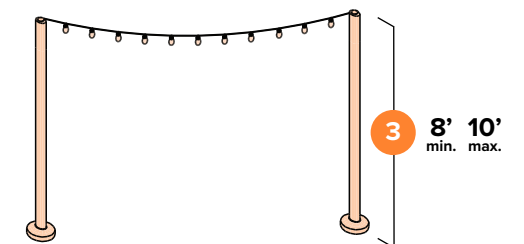
See §405 of the Americans with Disabilities Act.

✗ Not Permitted

Carpets and flooring that cover the sidewalk surface are not permitted. Sidewalk surfaces cannot be painted

Design Requirements

Lighting/Electrical Connections



1 Power Source

Any lighting should be directly connected to the ground floor business's power source. For parklets, electrical devices can be powered by batteries or by power cords that are secured to overhead guide wires between the building and the parklet.

2 Safety

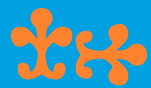
Lighting must be outdoor-rated, properly secured and protected, and lightweight. All electrical work must comply with the electrical code.

3 Maximum Height

Lighting and overhead power cords must be a minimum of 8' and cannot exceed 10' in height to provide adequate clearance.

✗ Not Permitted

To prevent tripping, power cords cannot be run on the sidewalk. Electrical connections cannot be made to any type of City electrical equipment or attached to any City property, including street trees.



Step 11

Apply for your permit.


Guideline

To operate a sidewalk cafe, expanded cafe, or parklet, you must complete and submit the City of Albany's Revocable Sidewalk Privilege Application for Sidewalk Cafes (referred to as a "permit").


The City will review the application and supporting documentation and decide whether to award a permit.

? Questions

The City of Albany Department of Planning and Development staff can answer questions and assist applicants in completing their applications.

 (518) 465-6066

 dpd@albanyny.gov

 200 Henry Johnson Blvd, Suite 3,
Albany, NY 12210



Step 01

Review this Manual.

Review this Outdoor Cafe Manual to understand the guidelines for outdoor cafe spaces and determine if you are eligible to apply for a permit.



Step 02

Draw Your Site Plan.

Draw a site plan of your proposed cafe space to scale. Use Pages 03-09 to understand the requirements for laying out your cafe space. Instructions are provided on Pages 14 and 15 to help you draw the site plan.



Step 03

Apply Online.



Fill out the online application form by visiting: https://app.oncamino.com/albany_ny/login. You will be asked to upload additional files with your application including your site plan drawing and Certificate of Insurance. Applications should be submitted by mid-February in order to be approved for the start of the cafe season on March 31st.



Step 04

City Review.

Applications will be reviewed by the City and the applicant will be notified of the City's decision. The City will work with applicants to address any issues.



Step 05

Operate Your Cafe.

Congratulations! You can now operate an outdoor cafe. Review the guidelines on Page 16 to make sure you understand the rules for operating your cafe.



Annual Permit Renewal

Permits must be renewed each year. If you are renewing your application, you only need to re-upload your Certificate of Insurance and pay your usage fee (and parking space/barrier rental fees, if applicable). If the design of your cafe layout has changed or the owner of the business has changed, you must submit a new application.



Fees

Application Fee

The fee to submit an application for a Revocable Sidewalk Privilege Permit is \$50. For the 2024 cafe season, the application fee will be waived for applicants who have been awarded cafe permits in past seasons.

Annual Usage Fee

Approved applicants must pay an annual usage fee based on the square footage of their outdoor cafe space. The usage fee is \$1 per square foot of outdoor cafe space.

A standard usage fee is being implemented to apply a consistent rate across all cafe sizes.

Parking Space Rental Fee

Metered parking spaces: If you are operating a parklet in a metered on-street parking space, a rental fee of \$100 per parking space *per month* must be paid to the City of Albany.

Unmetered parking spaces: If you are operating a parklet in an unmetered on-street parking space, an annual rental fee of \$1 per square foot of parking space must be paid to the City of Albany.

Barrier Set-Up and Removal Fee

Cafes that require perimeter barriers can rent them from the City of Albany at a cost of \$100 per barrier. The City will set up rented barriers at the beginning of the outdoor cafe season and remove them at the end of the season.

How to Pay Fees

Fees can be paid online.

Instructions

Site Plan Drawing

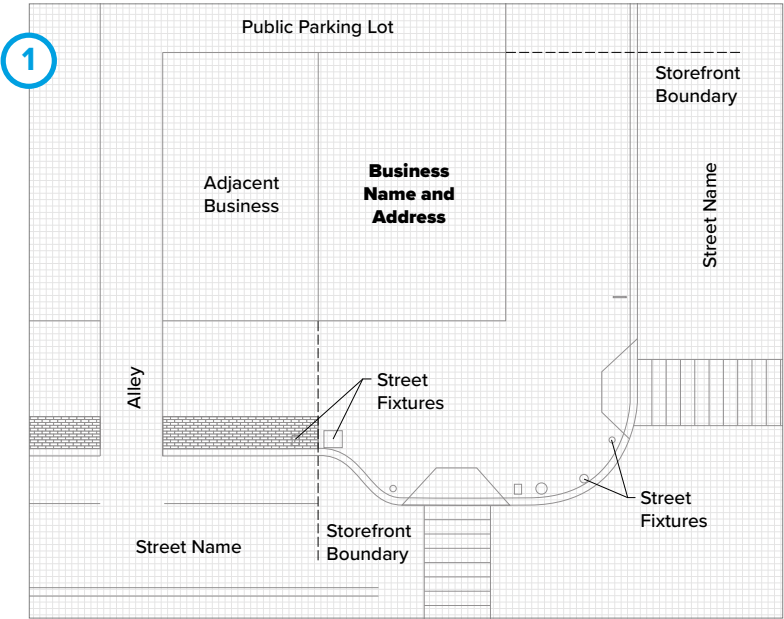
A scaled site plan drawing is required to be submitted as part of the Revocable Sidewalk Privilege Permit application. An accurate site plan drawing is important as the Department of Buildings and Regulatory Compliance will use this drawing for code enforcement. The drawing may be, but is not required, to be developed by an architect, engineer, or other professional. An example site plan drawing can be found on Page 15.

Checklist

- ☐ Streets, with street names labeled.
- ☐ Sidewalk and curb, with the sidewalk width labeled.
See Page 01 for more information.
- ☐ Storefront boundaries, with building entries and exits labeled. If a portion of the outdoor cafe is located on private property, draw the property line.
See Page 01 and 07 for more information.
- ☐ Street fixtures including street trees and utility poles as well as the required buffers around them.
See Page 04 for more information.
- ☐ Elements of the street, including on-street parking spaces, crosswalks, curb ramps, driveways/alleyways and their required setbacks or clearance areas.
See Page 05 for more information.
- ☐ Pedestrian clear zone and access route connections to curb ramps and building entries, with the width of the pedestrian clear zone labeled.
See Page 06 for more information.
- ☐ Outline of your proposed cafe space, with the dimension of each edge labeled.
- ☐ Cafe furnishings including tables, chairs, barriers, heaters, and signs. Accessible seats and routes and entry points into cafe spaces should be labeled.
See Page 07-09 for more information.

Complete This Section

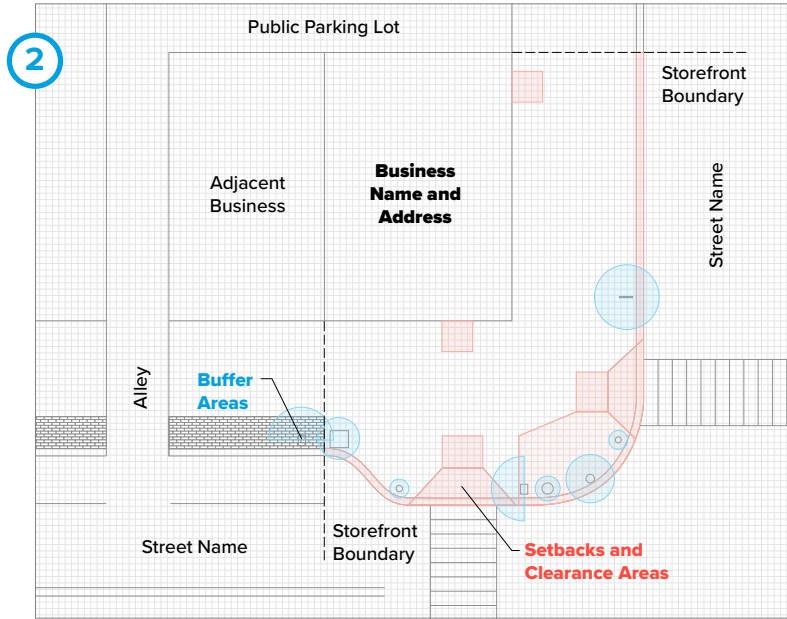
Square feet of Sidewalk Cafe: _____
Square feet of Expanded Cafe: _____
Square feet of Parklet: _____
Metered Spaces: _____ Unmetered Spaces: _____



Base Map

Draw a basic map of the sidewalk outside your business. Include streets, crosswalks, on-street parking spaces, and other important features. Mark where street fixtures, like street trees and utility poles, are located.

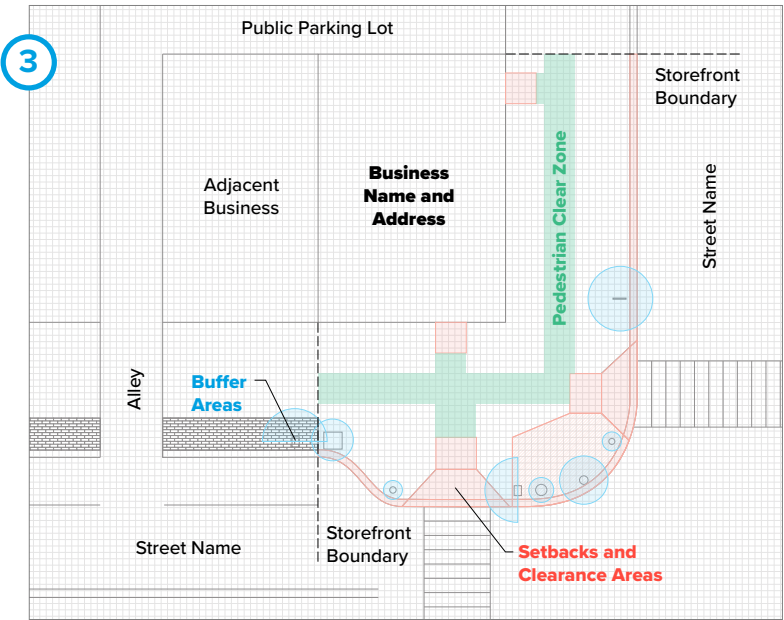
See Page 01 for more information.



Buffers, Setbacks, and Clearance Areas

Draw the required buffers around any street fixtures located on the sidewalk. Draw required setbacks and clearance areas from elements like building entries, curbs, crosswalks, driveways, street corners, handicap parking spaces, and loading zones.

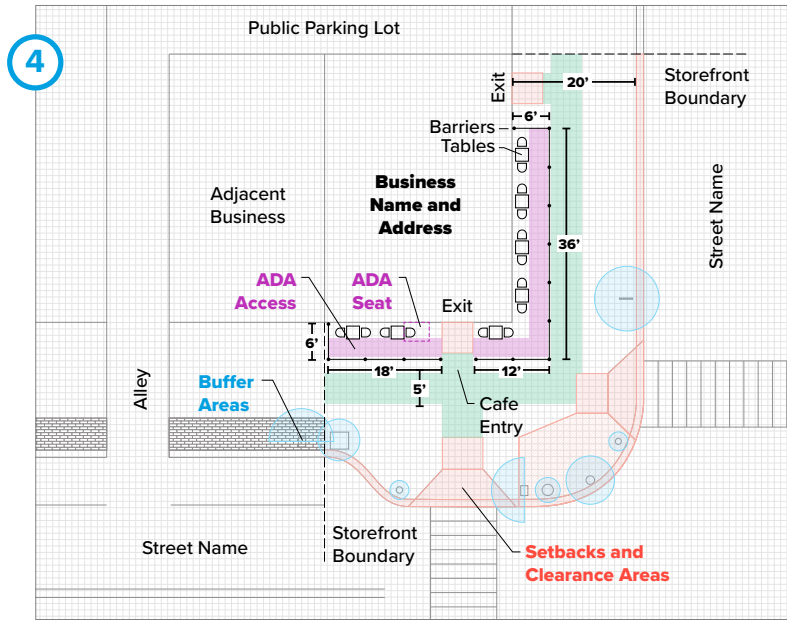
See Page 04 and Page 05 for more information.



Pedestrian Clear Zone

Draw the pedestrian clear zone and access route connections to curb ramps and building entries. Remember the pedestrian clear zone must be a minimum of 5' wide.

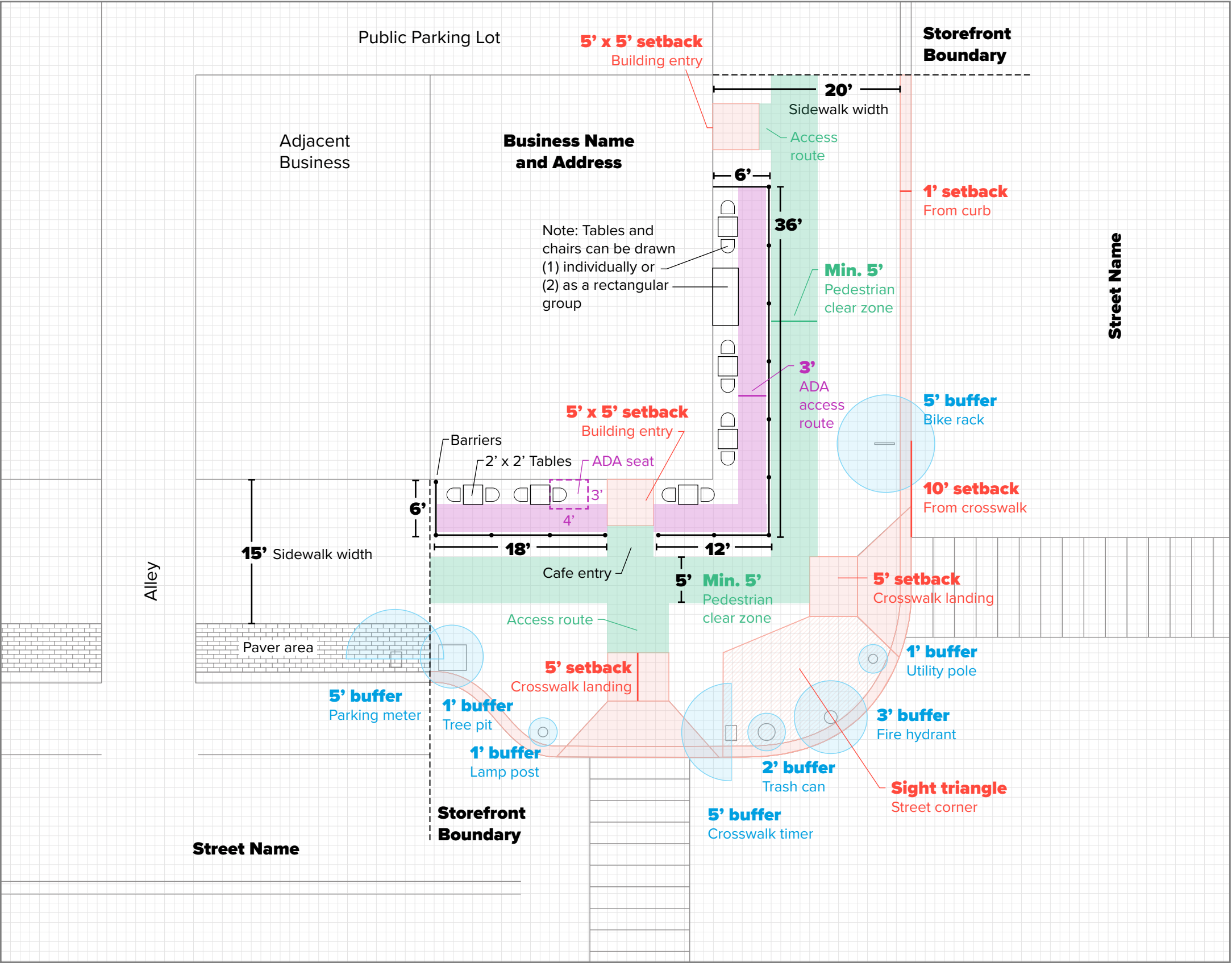
See Page 06 for more information.



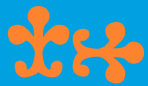
Cafe Layout and Dimensions

Draw all cafe furnishings including tables, chairs, barriers, heaters, and signs. Identify any required ADA seats and ADA access routes. Label the dimension of each edge of the cafe, the width of the pedestrian clear zone, and the width of the sidewalk.

Example Site Plan Drawing
Each square in the grid represents 1' by 1'.



- Buffers**
Blue lines represent required buffers. See Page 04 for more information.
- Setbacks and Clearance Areas**
Red lines represent setbacks and clearance areas. See Page 05 for more information.
- Pedestrian Clear Zone**
Green lines represent the pedestrian clear zone. See Page 06 for more information.
- ADA Accessibility**
Purple lines are related to ADA accessibility. See Page 09 for more information.



Step 12

Operate your outdoor cafe.

Guideline

Operational and maintenance standards are in place to help you operate your outdoor cafe in compliance with City regulations.

These standards ensure safe operation of your cafe space.

✖ Not Permitted

Permit holders who are not complaint with these standards are subject to penalties per [§ 375-507](#) of the City of Albany Code.



State Liquor Authority



1 Operating Season

Sidewalk and expanded cafes can operate year-round. Parklets are permitted to operate from March 31st to November 1st each year.

✖ Not Permitted

No site furnishings can be stored in the outdoor cafe or parklet space during inclement weather. For parklets, all furnishings must be removed and stored on private property from November through March.

2 Hours of Operation

Outdoor cafes located in residential (R) and mixed-use (MU) zoning districts can operate between 8 AM and 11 PM. Outdoor cafes in all other permitted zoning districts can operate between 8 AM and 2 AM.

See § 375-303(6)(m) of the City of Albany Code.

3 Securing Site Furnishings

During hours when an outdoor cafe is not operating, site furnishings, including tables and chairs, must be secured. Businesses can choose how they want to secure furnishings. Potential options include stacking furnishings, chaining furnishings to each other, or bringing furnishings inside.

Items that are likely to blow over or be vandalized (like signage, umbrellas, or heaters) are recommended to be stored inside at the end of each day.

See § 375-303(6)(m)(v)D and § 375-303(6)(m)(v)G of the City of Albany Code.

✖ Not Permitted

No site furnishings can be stored during off hours outside the bounds of the permitted cafe space and must not create tripping hazards or intrude into the pedestrian clear zone or any other required buffers or clearance areas. Site furnishings may not be chained or tied to any City property, including street trees, lamp posts, or street

4 signs.

Permitted Activities

Alcohol Service

Alcohol service is permitted in outdoor cafe spaces in compliance with all New York State Liquor Authority (NYSLA) laws and subject to NYSLA enforcement.

See Chapter 165 of 2022.

Smoking

Per New York State law, up to 25% of seating in outdoor cafe areas with no roof or ceiling enclosure may be designated smoking areas. Designated smoking areas must be at least three feet away from non-smoking areas and both smoking and non-smoking areas must be clearly marked with signs.

See the New York State Clean Indoor Air Act.

✖ Not Permitted

Food preparation, food or beverage storage, and refrigeration are not permitted.

Amplified entertainment including music or loud speakers is not permitted unless authorized by a Cabaret Permit or authorized as part of a special event.

See § 375-303(6)(m)(iii) of the City of Albany Code.

5

Maintenance

Outdoor cafes must be kept clean, well-maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions. It is the responsibility of the cafe owner to clear snow, leaves, trash, and other debris in the cafe area within 24 hours.

On street-cleaning days, parklets must maintain a 3-foot clear space on each side of the parklet.

Cafes that are not maintained or cleared of snow within 24 hours will be cited by the Department of General Services.

✖

Not Permitted

Trash receptacles are not permitted in outdoor cafes. All trash must be handled

6 inside the building.

See 375-303(6)(m)(v)F of the City of Albany Code.

Safety

The outdoor cafe space must not constitute a danger to the health or safety of a patron or the public, including creating tripping hazards. Cafe furnishings must not extend or overhang outside the bounds of the permitted cafe area and must not interfere with or obstruct the public right-of-way in any manner.

7

Alterations to Public Property

Public property cannot be altered in any way during the term of the outdoor cafe permit and all City-owned property must be returned to the City in good condition.

Any proposed in-ground improvement will require additional discussion with City staff for approval, including installing permanent barriers or painting the sidewalk surface.

Approved in-ground improvements will require a license agreement through the Corporation Counsel. See 375-303(6)(m)(v)D and § 375-303(6)(m)(v)G of the City of Albany Code.

8

Display of Permit

The Revocable Sidewalk Privilege permit must be posted in the window of the business so that it is visible from the street.