

GUIDELINES FOR SIDEWALK CAFES

Definition and Purpose

A sidewalk cafe is defined as the extension of a minor or major eating establishment onto the adjacent public road rights-of-way, requiring no permanent construction. A deck will be considered temporary providing that the entire structure, including supports, can be constructed at or above the surface of the ground and can be removed within 24 hours.

The purpose of these guidelines is to provide criteria for the review of applications for the use of public road rights-of-way (which may include sidewalks, boulevards, roadways or alleys) for commercial purposes to encourage street level pedestrian activity. This must be accomplished in a way which ensures that pedestrian movement is unobstructed. These guidelines establish reasonable conditions for judging whether proposals for the use of public space are acceptable.

Required Approvals from the City of Edmonton

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| Preliminary Approval | 1. Upon receipt of an application, complete with a non-refundable application fee of \$100.00 (plus GST), Transportation Services will meet with the applicant on-site to review the proposal and to define the area available for use. If the proposal meets these Guidelines, Right-of-Way Management may provide a preliminary letter of support to the applicant. The applicant can provide a copy of this preliminary consent to Current Planning along with the completed Development Permit application. This preliminary approval may expedite the review of a Development Permit application. If the proposal does not meet these Guidelines, Transportation Services will advise the applicant and will suggest measures to make the proposal conform to the City's requirements. |
| Development Permit Required | 2. A Development Permit to operate an outdoor eating area is required for a sidewalk cafe. Application must be made to Current Planning, where it will be reviewed. An application fee of a minimum of \$205.00 (plus GST) will be charged. The Development Planner will circulate to affected City departments, including Transportation Planning, and may also circulate notice of such a permit application to surrounding property owners on the basis of a perceived or potential impact. The Development Planner may refuse such application on the grounds of an unacceptable land use conflict or grant an approval, subject to conditions. Further information can be obtained by contacting Sustainable Development, 5th Floor, HSBC Bank Place, located at 10250 – 101 Street. |

Required Approvals from the City of Edmonton (continued)

Permission to Use Street from Transportation Services 3.

A Sidewalk Cafe Licence must be entered into as a condition of approval for the Development Permit. The Licence formalizes the temporary use of public road rights-of-way and establishes certain conditions for the operation of the cafe and is granted by the Director of Traffic Control.

The Sidewalk Cafe Licence fee will be \$100.00 (plus GST) for the five year term. If the Licence and the Development Permit are approved, the non-refundable application fee will be used as the Licence fee for the first five year term. Renewal fees for Sidewalk Cafe Licences are \$100.00 plus GST for each subsequent five year term.

Note: A new Development Permit is not required for each renewal of the Sidewalk Cafe Licence unless the area in use will be significantly changed or the number of seats is increased.

Building Permits

4. A building permit may be required under some circumstances. A change in the building's use, occupancy (number of seats) or if the applicant wishes to construct a structure such as a canopy, a temporary structure on the associated building, or a temporary deck within the Licence area. Contact Sustainable Development for additional information.

Other Required Approvals

Food Services Permit

5. All restaurants and cafes must obtain a Food Handling Permit from Alberta Health Services by calling (780) 735-1800. Their approval is also required for any increase in seating capacity of the restaurant.

Liquor Licence

6. To extend the serving of alcoholic beverages to the outdoor cafe area, approval of the Alberta Gaming and Liquor Commission at (780) 447-8600 is required. This applies even if there is a Licence for the interior of existing restaurant / cafe.

Guidelines

Planning/Design Considerations 7.

Sidewalk cafes must abut the frontage or flankage of an existing restaurant or cafe of which they are an extension and must not extend laterally beyond that frontage or flankage unless approved by Transportation Services. Adjacent property owners or tenants may be contacted to confirm their assent to an extension. Building Code requirements must be satisfied.

8. We encourage sidewalk cafes to have an open appearance with a defined edge, such as a railing, fence, suspended chain, row of planters or pots, or a painted line.

Guidelines (continued)

Planning/Design Considerations 9.
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Railing or fences are required by the Alberta Gaming and Liquor Commission if alcohol is to be served within the outdoor eating area. Railing or fences should not be more than 1.5 metres in height. The railing or fence can be secured into a concrete sidewalk if the following specifications are met:

- a 3/8” stainless steel drop-in anchor with a minimum spacing of 3-3/4” and a minimum distance from any edge of the concrete of 4 1/2”.
- a 3/8” stainless steel flat head socket cap must be inserted in the anchors when the railing is removed. The anchor must be counter sunk so that the socket cap is flush with the sidewalk.

There shall be no anchoring into any paving stone sidewalk. Any other anchoring proposals will be reviewed upon the submission by the Licencee of stamped engineering drawings illustrating the proposed railing and anchoring methods. Any unusual installations require the written permission of the Transportation Operations Branch prior to construction.

10. A retractable or permanent canopy fixed onto adjacent building is permitted but will require a building permit.
11. Sidewalk cafes may be installed after April 1st and must be removed no later than October 31st of each year. All tables, chairs, benches, planters, canopies, railings, garbage receptacles, and ornamental street furniture must be removed on or before October 31st of each year (unless the sidewalk cafe will be used during the winter; see next paragraph). Sidewalk cafes must be constructed in such a way that all items may be easily removed for emergency purposes.
12. Sidewalk cafes may be used from November 1st to March 31st, but only tables and chairs may be allowed on the rights-of-way. No railings will be allowed during the winter months, therefore, no liquor may be served outside at that time (due to the Alberta Gaming and Liquor Commission’s requirement to have a railing or fence erected to allow the serving of liquor). Tables and chairs must be removed each night.
13. Furniture such as tables and chairs should be of uniform style and design and may not be anchored to the sidewalk.

Guidelines (continued)

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| Planning/Design Considerations
(continued) | 14. Individual umbrellas forming part of a table are permitted but must be of a uniform style and patterns, made of non-combustible material. The umbrellas may not be anchored to the sidewalk and must not extend beyond the defined edge of the Licence area. |
| | 15. Fire service connections and/or hydrants must be unobstructed and accessible at all times. |
| Unobstructed Sidewalk Width | 16. In heavy pedestrian areas, a sidewalk cafe should be set back a minimum of 3.5 meters from the curb, or provide a minimum of 3.0 metres of unobstructed sidewalk width. In light pedestrian areas, the cafe should be set back 2.0 metres from the curb, or provide a minimum of 1.5 meters of unobstructed sidewalk width. The cafe shall provide unobstructed access to the entrance to the building. |
| Liability Insurance | 17. The applicant will be required to maintain Liability Insurance as a condition of the Sidewalk Cafe Licence (minimum of \$2,000,000 coverage). |
| Location | 18. Sidewalk cafes are not permitted where a service grate exists. |
| | 19. Sidewalk cafes will not be permitted in locations which, in the opinion of Transportation Services, obstruct sightlines at an intersection, or cause any operational or safety problem on the public road rights-of-way. |
| | 20. Sidewalk cafes will be encouraged in areas recommended in applicable Statutory Plans. |
| | 21. Sidewalk Cafe Licences will only be granted to minor or major eating establishments located on the ground floor of the adjacent building. |
| | 22. Smoking is not allowed within the sidewalk cafe area. |
| | 23. Gas heaters are not allowed within the sidewalk cafe area. |
| Enforcement | 24. Outdoor cafes operating on public road rights-of-way without a valid Sidewalk Cafe Licence will be subject to various forms of enforcement which can be initiated by Transportation Services. Enforcement measures can include a verbal warning from |

Guidelines (continued)

authorized City personnel, a tag being issued for obstructing a highway without a permit, and/or removal of the obstructions (including tables, chairs, decks, or any other item placed on the road right-of-way) by City forces.

25. Restaurants which default in the performance of any of the obligations of the Sidewalk Cafe Licence after it is issued will be given seven days to rectify the problem. If the problem persists, the Licence shall be terminated and enforcement measures could be initiated by Transportation Services.

General inquiries or questions about these guidelines can be made by calling (780) 496-2850.

Prepared by: Transportation Services
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