

SIDEWALK CAFÉ APPLICATION

(Cafés Located within Public Right-of-Way)



****Part I****
ESTABLISHMENT INFORMATION

Sidewalk Café Definition:

A *sidewalk café* is an outdoor area located temporarily on a public right of way, pursuant to an agreement, contiguous with any side of a building wherein a restaurant is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. [10-3-1 City Code]

In order to be eligible to operate a sidewalk café, an establishment must meet all of the criteria noted below in order to meet the definition of Restaurant as defined by City Code. Please indicate if your establishment complies with the following:

- Prepares meals on the premises and provides meal service to each floor of the premises which is open to the public while the kitchen is open **YES** _____ **NO** _____
- Has a food service menu from which customers may order. **YES** _____ **NO** _____
- Has an employee whose primary duty is the preparation of food and an employee whose primary duty is to serve food to customers **YES** _____ **NO** _____
- Has a kitchen **separate** from the bar equipped with all of the following: a stove, a griddle, a grill or broiler, and a food refrigeration unit with a capacity in excess of twenty(20) cubic feet. **YES** _____ **NO** _____
- Operates the restaurant service during at least sixty percent (60%) of the hours that the business is open to the public. **YES** _____ **NO** _____
- Holds itself out to be a restaurant and advertises itself as a restaurant if it advertises. **YES** _____ **NO** _____
- Or is a café, cafeteria, coffee shop, delicatessen, ice cream shop, lunchroom or tearoom. **YES** _____ **NO** _____

Applicant Name: _____

Doing Business As: _____ Phone # _____

Establishment Street Address: _____

Contact Person: _____ Phone # _____

Mailing Address: _____

Property Owner: _____

****Part II****
DESIGN SUBMITTAL REQUIREMENTS

A. INTERIOR DIAGRAM

Submit an Interior diagram that specifically shows restrooms, including the fixtures, exits/entrances, seating area, bar, and the kitchen which shall be separate from the bar and equipped with a stove, griddle, grill or broiler, and a food refrigeration unit with a capacity in excess of twenty (20) cubic feet.

Occupant load is required to determine that existing exits are conforming and to confirm that the number of restroom plumbing fixtures are adequate to accommodate the existing and proposed occupants. Therefore, based on the Interior Diagram, the occupant load shall be calculated as follows:

Length of Bar: _____ l.f. ÷ 2' = _____ occupant load
Booths** : _____ l.f. x 12 ÷ 24" = _____ occupant load
Dining Area: _____ s.f. ÷ 15 = _____ occupant load
Kitchen Area: _____ s.f. ÷ 200 = _____ occupant load
Sidewalk Café Area: _____ s.f. ÷ 15 = _____ occupant load
Dance Floor Area: _____ s.f. ÷ 7 = _____ occupant load

Total Occupant Load: = _____ ÷ 2 = _____ (total # of male and female occupants). Refer to Part VII-Information Page for fixture requirements based on occupant load.

** The occupant load shall be based on one (1) person for each twenty-four inches (24") of booth length.

B. TYPE OF DELINEATION

Please indicate the type of delineation proposed for the sidewalk café:

- _____ *Temporary Fencing** - (fencing removed each evening)
May be utilized the first year of operation only. (See Paragraph C-1 & C-2 below)
- _____ *Anchored Fencing* - (fencing bolted to pavement/brick/platform surface)
Can be utilized March through November (See Paragraph C-1 & C-3 below)
- _____ *Anchored Fencing and Temporary Fencing* - anchored fencing utilized March through November and temporary fencing utilized December through February
(See Paragraph C-1, C-2 & C-3 below)
- _____ *Planters* - (free standing - removed each evening)
Can be utilized year round (See Paragraph C-1 & C-3 below)
- _____ *Planters* - (interlocked - can remain overnight)
Can be utilized March through November (See Paragraph C-1 & C-3 below)

* *Temporary Fencing may only be utilized the first year of use to determine if the sidewalk café is financially feasible. For the second and subsequent years, anchored fencing or planters must be utilized. Temporary fencing and free standing planters may be utilized during the months of December through February when anchored fencing and interlocked planters are not allowed.*

C. EXTERIOR DIAGRAM

1. *All Delineation Types* - Exterior diagram must contain the following information within the drawing:
 - a. Café must be contiguous to premise.
 - b. Location of Café in relation to the premise and area amenities such as buildings, vaults/chutes, bike racks, planters, curb line, trash receptacles, etc.
 - c. Dimensions of café and any openings within café and premise (i.e. entrances/exits).
 - d. Designation of Pedestrian Walkway
 - 1) An unobstructed eight feet (8') pedestrian walkway around proposed café must be maintained. The 8' pedestrian walkway shall be measured from the nearest amenity to the edge of the sidewalk café. If nearest amenity is a tree, the dimension shall be from the outer edge of the tree ring at the paved surface.
 - 2) If sidewalk café is located within the City Plaza area, the 8' walkway is only required in reference to raised planters. No walkway is necessary around other amenities.
 - 3) The 8' walkway is not required if sidewalk café does not extend into or encompass in any manner the existing sidewalk and does not impede pedestrian traffic.
 - e. The sidewalk café may not encompass any public amenities, with the exception of trees, tree rings and light poles. If trees, tree rings or light poles are encompassed, they may not interfere with the care, maintenance or operation of the items.
 - f. The location of tables and chairs within the sidewalk café. A minimum seating clearance of 31" from table's edge to the wall, stair nosing or other obstruction and 50" from table's edge to table's edge. (Add ½" of width for each foot that the farthest chair exceeds 12' to an aisle or exit).
 - g. If café is located adjacent to an alley, the café must be placed at least two feet (2') away from the alley. If café is located on a street corner, the café shall not be situated beyond the area defined by the building lines extended to the street.
 - h. No blockage of building entrances or exits may occur.
2. *Planter Delineation and Temporary Fencing* - In addition to 1. above, exterior diagram must contain the following information within the drawing:
 - a. Temporary Fencing. Acceptable methods of delineation include, a lowered taut rope/chain or ribbon stanchion. Other methods of delineation will be considered as submitted.
 - b. Planter delineation. Planters are to be no higher than 36", excluding plantings and shall include a lower detectable barrier no higher than 27" from the sidewalk surface. If planters are not interlocked, the spacing between each planter shall be no greater than twelve inches (12").
 - c. Delineation must include a detectable barrier located at base of sidewalk café perimeter which must be shown on diagram (i.e. planters). Space between barriers shall not be greater than twelve inches (12"). This delineation is to provide a detectable barrier for those individuals who are visually impaired.

3. **Anchored Fencing - The diagram must be professionally drawn and stamped by a Professional Engineer or Architect.** In addition to 1. above, exterior diagram must contain the following information within the drawing:
 - a. Schematic design of anchored fencing, including proposed type and design of fence material, height of fence (maximum height of 3', excluding finials), anchoring system and location of anchors.
 - b. Detail of proposed gates, if applicable, including location, size and design.
 - c. Detail of how anchoring system will be maintained during winter months while fencing is removed to temporarily eliminate holes within the sidewalk which can pose a hazard to pedestrians.

4. **Structure on top of Public Right-of-Way or City Owned Planter or Street Parking Space (if applicable)** - If applicant proposes to place a structure on top of the sidewalk in order to level out the sidewalk café area, or on a City owned planter, or within an on-street parking space, the exterior diagram must contain the following information within the drawing:
 - a. Schematic design of proposed structure, including proposed construction drawings, dimensions including area & height of structure, proposed materials, anchoring system of structure to sidewalk and/or street, and location of anchors.
 - b. Information verifying that design meets all relevant ADA and City Code requirements.
 - c. Detail of how anchoring system will be maintained during winter months while structure is removed to temporarily eliminate holes within the sidewalk which can pose a hazard to pedestrians.
 - 1) If café is within a City owned planter, the structure may remain year round and does not have to be removed.
 - d. All structures utilized for sidewalk café must also install anchored fencing around the perimeter of the structure (**See Paragraph C-3 above**).

5. **Structure within on-street Parking Space (if applicable)** - If applicant proposes to place a structure within an on street parking space, the following additional guidelines shall apply:
 - e. Structure may be placed within the on street parking space from April 15 until the Monday after the last University of Iowa home football game.
 - f. Information verifying that design meets all relevant ADA and City Code requirements.
 - g. Detail of how anchoring system will be maintained during winter months while structure is removed to temporarily eliminate holes within the sidewalk which can pose a hazard to pedestrians.
 - h. All structures utilized for sidewalk café must also install anchored fencing/planters around the perimeter of the structure (**See Paragraph C-3 above**).

****Part III****
OTHER SUBMITTAL REQUIREMENTS

A. Certificate of Insurance

Along with your application, a Certificate of Insurance must be submitted. The Certificate of Insurance shall contain an endorsement acknowledging and covering use of the public right-of-way as a sidewalk café and shall contain at least the minimum coverage amounts shown below.

	<u>Per Occurrence</u>	<u>Aggregate</u>
1) Comprehensive General Liability Bodily Injury & Property Damage	\$1,000,000	\$2,000,000

2) City of Iowa City shall be named an additional insured

3) Worker's Compensation Insurance as required by Chapter 85, Code of Iowa.

B. Amenity Approval

Provide a complete description of proposed amenities. These submittals should include color pictures or illustrations of all furniture, fencing (temporary and/or anchored), any detectable barriers if utilizing temporary fencing and planters. This information will be reviewed by the City's Design Review Committee for approval.

C. Outdoor Service Area Authority (Establishments with Liquor Licenses)

If the establishment has a Liquor License, it will be necessary to secure authorization from the State of Iowa to utilize an outdoor service area. Application for this authorization is obtained through Alcoholic Beverage Division website. If assistance is needed, please contact the City Clerk's office at 319-356-5142.

****Part IV****
FEES

Required Annual Fee

Size of Sidewalk Café: _____ sq. ft. x \$5.00 per sq. ft. = \$ _____

Other Annual Fees (if applicable):

Structures placed on sidewalk (such as an elevated platform) and/or city owned planters require an additional annual fee of \$5 per sq. ft.

Size of Structure Area: _____ sq. ft. x \$5.00 per sq. ft. = \$ _____

Deposit:

Anchored Fencing requires a one time deposit of \$200 \$ _____

OR

Structures placed on public right-of-way require a one time deposit of \$500 \$ _____

OR

Sidewalk cafes located on City owned planters require a one time deposit of \$1,000 \$ _____

TOTAL DUE PAYABLE TO CITY OF IOWA CITY* \$ _____

*Please submit a check along with the application for the total amount

****Part V****
SIGNATURE

Based on the information contained within this application, an Easement Agreement will be drafted for your signature. In addition, the Easement Agreement will require the Landlord's signature. [10-3-3 E.1. - City Code]

An application which is incomplete or which does not contain accurate information shall be grounds for rejection of the application. Please note the applicant's signature must be notarized.

I am an authorized representative of the establishment requesting permission to construct a sidewalk café within public right-of-way. All information contained within the application is an accurate representation of the establishment's existing conditions and of the proposed sidewalk café.

Applicant Signature

STATE OF IOWA)
) ss:
JOHNSON COUNTY)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared _____, to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that (he/she/they) executed the same as (his/her/their) voluntary act and deed.

Notary Public in and for the State of Iowa

My commission expires: _____

****Part VI****
APPLICATION SUBMITTAL CHECKLIST

The following is a summary of items that are to be submitted as part of the Sidewalk Café Application:

- _____ Application Packet (Signed and Notarized)
- _____ Menu Sample (See Part I)
- _____ Advertisement Sample (See Part I)
- _____ Interior Diagram(See Part II)
- _____ Exterior Diagram (See Part II)
- _____ Certificate of Insurance (See Part III)
- _____ Pictorial Samples of All Amenities (i.e. tables, chairs, fencing, barriers, planters) (See Part III)
- _____ Documentation of Application for Outdoor Service Area Authority from State of Iowa (See Part III - Liquor license holders only)
- _____ Check Payable to City of Iowa City (See Part IV)

Please note that if any of the above items are missing or deficient in any manner according to the instructions, the application will be considered incomplete. A letter will be sent to the applicant notifying them of the deficient items.

Each application will be reviewed on its own merit and is site specific.

****Part VII****

**INFORMATION PAGE
DO NOT RETURN WITH APPLICATION**

Fixtures Per Person¹

<i>Type of Building or Occupancy</i>	<i>Water Closets/Urinals²</i>		<i>Lavatories</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Restaurants which do not serve alcohol	1:1-50 2:51-100 3:101-175 4:176-300 Over 300, add 1 fixture per 200 additional persons	1:1-50 2:51-100 3:101-175 4:176-300	1 for each 2 water closets or urinals	
Restaurants which serve alcohol, pubs and lounges	1:1-30 2:31-60 3:61-100 4:101-150 5:151-200 6:201-275 7:276-400 Over 400, add 1 fixture for each 175 males	1:1-30 2:31-60 3:61-100 4:101-130 5:131-160 6:161-200 7:201-300 8:301-400 Over 400, add 1 fixture for each 150 females	1 for each 2 water closets or urinals	

¹ If additional fixtures are required to be installed and existing fixtures do not meet handicap accessibility requirements, then at least one of the new added fixtures in each restroom will be required to meet handicap accessibility requirements.

² Whenever urinals are provided, the total number of fixtures required may be a combination of water closets and urinals. The number of water closets in such cases shall not be reduced to less than on-half (1/2) of the total number required for the first six (6) fixtures nor less than one-third (1/3) of the total number required if the total required exceeds six (6).

Application Process

- ❖ Please allow a minimum of 2 weeks for the approval process.
- ❖ If additional information/clarification is necessary, a letter will be sent to applicant with conditions and/or requests for further information.
- ❖ When application has met the qualifications according to the Sidewalk Café Policy, a Sidewalk Café Agreement is drafted and forwarded to applicant to obtain applicant's and property owner's notarized signatures.
- ❖ Upon receipt of signed and notarized Agreement, Agreement is approved and signed by the Public Works Director.
- ❖ After the Agreement is executed by all parties, the sidewalk café may be constructed. The installation must be coordinated with the Engineering Division (319-356-5140).