



SERVICE ON THE SIDEWALK

**COMPLIANCE AUDIT OF THE CITY OF SYRACUSE
SIDEWALK CAFÉ PERMIT ORDINANCE**

A photograph of a city sidewalk scene. On the left, there is outdoor seating with round tables and wicker chairs in front of a building. A street lamp stands on the sidewalk. To the right, there are parked cars, including a white van and a dark car. A blue mailbox is visible in the foreground on the right. The image is overlaid with a semi-transparent blue geometric shape in the bottom left corner.

**ALEXANDER MARION, MPA
SYRACUSE CITY AUDITOR**

CONTENTS

Message From The City Auditor	2
Executive Summary	3
Introduction	6
Audit Information	7
Findings	10
Recommendations	15
Exhibits	18
Administration Response	159

MESSAGE FROM THE CITY AUDITOR

October 30, 2025

Syracuse wants to be an exciting community where everyone can grow and thrive. A crucial part of that vision is creating business corridors that are clean and orderly, where everyone can roll, stroll, and support our small businesses. I commend the current administration for recent investments in our sidewalks, further demonstrating the importance we place on accessibility, safety, and the appearance of our city.

Using our sidewalks for a commercial purpose – like outdoor seating at a restaurant or some pop-up sale racks at a store – is a great way to engage customers and increase your footprint. It also comes with responsibility, including keeping the sidewalks accessible for all users, ensuring access to fire department connections in case of an emergency, and following applicable local and state regulations. Sharing our sidewalks is a privilege the City can extend to businesses who follow the applicable rules and pay the proper fees.



Sidewalk café permits only generate about \$4,000 for the City currently – a small amount of revenue that could grow with a modern fee schedule, more efficient administration, and proper enforcement. The permit program is critical, however, because it protects the City from legal damages and frivolous lawsuits that could arise from problems happening within our Right-of-Way. These permits ensure our sidewalks continue to be accessible to people of all mobilities and keep patrons of establishments safe from harm.

What we found in this audit was two sets of standards: a convoluted and slow system to achieve compliance from those who sought to follow the rules, and lax enforcement for those who did not. A small amount of revenue was brought in, and nearly a dozen staff members from multiple departments used valuable time to process these permits. We will recommend a more centralized process, with greater authority vested in a single individual or office, combined with a new fee structure and better enforcement to improve this critical program.

A more efficient, effective program can drive revenue, protect the City and patrons alike, and ensure we can all share our sidewalks safely and accessibly. I look forward to working with my colleagues in the administration and Common Council to adopt commonsense solutions so Syracuse can lead with a model Sidewalk Café permit program.

A handwritten signature in blue ink that reads "Alexander Marion". The signature is fluid and cursive, with a long horizontal line extending from the end.

Alexander Marion, MPA
Syracuse City Auditor

EXECUTIVE SUMMARY

BACKGROUND

Established in 2011, the Sidewalk Café Permit Ordinance was created to establish a new revenue source for the City and formally create rules and regulations for the operation and maintenance of restaurant outdoor seating.

The Ordinance requires restaurants, bars, and other commercial businesses using public sidewalks or city park space to seat or serve its patrons, to apply for and receive a permit, pay a fee, be properly insured, and comply with the program's Rules and Regulations, as well as with all other applicable state and local laws and ordinances.

The Department of Audit elected to review this permit function following its 2024 audit: *A License May Be Required*, which examined the city's licensing and permitting operations. That audit found that licensing and permitting operations were highly decentralized, lacking important support structures, poorly enforced, and losing money.

COMPLIANCE WITH GAGAS

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUDIT OBJECTIVES

The Office of the City Auditor established three objectives for this audit. Objective #1 sought to determine if the City has developed appropriate rules and regulations for sidewalk cafés. Objective #2 sought to confirm that permit holders were properly screened prior to receiving a permit. Objective #3 tested to see if businesses with sidewalk cafés were operating legally and according to the provisions of the ordinance and other rules and regulations.

AUDIT PERIOD

The audit period covered the 2025 Sidewalk Café season, which began on April 1, 2025 and will conclude on October 31, 2025.

KEY FINDINGS

The audit found four components of the Sidewalk Café permit: financial, legal, safety, and accessibility. The permit provides a revenue source for the City, requires establishments to have insurance indemnifying the City and protecting city taxpayers, ensures that Fire Department Connections are not obstructed, that businesses have appropriate egress, and that adequate space (a minimum of six feet) is available in the Right-of-Way for all pedestrian traffic, including for individuals who use mobility devices.

Elaborate rules and regulations governing the operation and maintenance of sidewalk cafés have been created by the City which provide specific details including application fees, permit display requirements, insurance requirements, hours of operation, and others. The Department of Audit finds the rules and regulations to be reasonable and consistent with the intent of the legislation.

The City's Department of Public Works is primarily responsible for issuing the Permit because the operation typically occurs in the City's Right-of-Way, overseen by Public Works. Despite issuing these permits, the Ordinance specifically names the Police Department, the Fire Department, and Code Enforcement to handle monitoring compliance and enforcing the law.

And while the Ordinance states: "A City of Syracuse Inspection of the sidewalk café will occur after the permit is issued" and the rules further state that "any violations...will result in citations being issued to the operator and/or revocation of the Sidewalk Café permit..." the audit found no city department or employee is taking the active responsibility for monitoring or enforcing the rules of sidewalk cafés. Audit staff found no evidence any inspections took place.

The audit also found that the City is allowing businesses to operate, sometimes for months and years, without current and valid Certificates of Use (COUs). Of deep concern, a common reason for COUs not being issued was outstanding fire safety issues including failure to provide required fire protection system certifications for fire alarms, smoke detectors, and sprinklers – systems designed and required to keep patrons and employees safe during an emergency. Despite not having that legally-required permission, the City then accepted applications from those businesses for Sidewalk Cafés and issued permits to those establishments. The Syracuse Property Conservation Code is clear: "Any business operating without a valid certificate of use shall be considered "unlawful."

The audit found many permitted Sidewalk cafés operating in violation of portions of the Ordinance, the Rules and Regulations, and/or conditions of their individual permits, including not providing 6' (six feet) required passage and obstructing Fire Department Connections (FDCs).

And while dozens of businesses have secured Sidewalk Café Permits, audit staff inspections found at least two dozen businesses, in neighborhoods across the city, using Right-of-Way space for Sidewalk Cafés without a valid permit. At least half of these establishments are current holders of a license from the New York State Liquor Authority.

New York State Alcohol Beverage Control Law requires certain licensees who wish to use municipal space for on-premises alcoholic beverage sales to file an alteration application to the New York State Liquor Authority (SLA), seeking permission to have their establishment's boundaries altered to permit use of public space for alcohol sales. Despite being required to sign an affidavit when filing the application that the owner will notify the SLA of their outdoor seating space, according to officials at the State Liquor Authority, no businesses in Syracuse which hold a current Sidewalk Café permit have made such an application for approval to use those spaces.

KEY RECOMMENDATIONS

The audit makes a series of recommendations, led by a recommendation to overhaul the permit. The current regulations do not consider hours of operation, number of seats, or most importantly, whether or not the business serves alcohol. Further, the term “café” may not be appropriate for most businesses which use the Right-of-Way to serve or queue their customers.

All applicants should be inspected and pay a mandatory \$100 Right-of-Way inspection fee in addition to a permit fee based on their use and seating arrangement. All businesses would be required to comply with all other safety and accessibility guidelines.

The Common Council should create three distinct categories of outdoor service to reflect the reality that “sidewalk café” spaces are not created equal, and in many cases are not cafés at all.

- **Daytime/Alcohol-Free Service Permit** would apply to businesses which do not serve alcohol and close daily by 6:00pm. The fee for this permit would be \$5.00 per seat, plus the inspection fee.
- **Evening/Alcohol Service Permit** would apply to any business which serves alcohol or wishes to remain open until 12:00am. The fee for this permit would be \$25.00 per seat, plus inspection fee.
- **Late-Night Club Service Permit** would apply to any business which serves alcohol, wishes to remain open until 2:00am, and uses the public Right-of-Way for queueing patrons. The fee for this permit would be a flat rate of \$3,500 annually. Businesses which transition from seating area to queueing area would be required to get both the Evening/Alcohol and the Late-Night Club Permit, plus the inspection fee.

The audit found too many businesses go without Certificates of Use for too long, putting the public in danger. The City Division of Code Enforcement, along with the Syracuse Police Department and the Syracuse Fire Department should move to immediately shut down any business which is not in compliance with the Business Certificate of Use law.

Too often, these businesses have failed to provide the City with required proof their fire systems are working properly, meaning patrons and employees are put into unnecessary danger each time they step inside. Shutting down these businesses sends the message that safety of patrons is the City’s top priority.

With nearly two dozen businesses operating Sidewalk Cafés without a permit, it’s clear Right-of-Way permits are not being properly prioritized by City officials. These permits loan valuable public space to for-profit operators to increase their profits, while also increasing the city’s liability and putting safety and accessibility at risk. City officials should follow the law, complete mandatory inspections of existing permit holders as required by Ordinance, and issue citations to all businesses not operating in accordance with law.

The City Auditor also recommends eliminating fencing and barrier requirements for establishments which do not serve alcohol and removing the April-October seasonality of the permit, instead allowing outdoor dining year-round to encourage activation of business districts during cooler months.

INTRODUCTION

WHAT IS THE SIDEWALK CAFÉ PERMIT ORDINANCE?

Established in 2011 as Article 14 of Chapter 24 of the Revised General Ordinances of the City of Syracuse, the Sidewalk Café Permit Ordinance was created to establish a new revenue source for the City and formally create rules and regulations for the operation and maintenance of restaurant outdoor seating. (Exhibit 1, page 18)

The Ordinance, which has not been amended in the 14 years since its passage, requires any “restaurant, bar, or other commercial businesses” using public sidewalks or City park space to seat or serve its patrons, to apply for and receive a permit, pay a fee, be properly insured, and comply with the program’s Rules and Regulations, as well as with all other applicable state and local laws and ordinances.

Each year approximately 30-35 businesses apply for the permit, which allows outdoor seating from April through the end of October. Each applicant pays a fee, ranging from \$50 to \$300 depending on the size of the café space.

The Rules and Regulations stipulate sidewalk café hours, and various other requirements including permit display, cleaning, signage, and maintaining accessibility and safety.

HISTORY OF OUTDOOR CAFÉS IN SYRACUSE

While the ordinance to formally establish sidewalk cafés was not created until 2011, outdoor café spaces have existed and been regulated in Syracuse for some time. Documents provided by the Department of Public Works show the City had guidance for these spaces going back to at least 1993. Those guidelines required clear pedestrian passageways, clearly-defined café boundaries, and daily cleaning of the cafés. (Exhibit 2, page 20) Businesses were required to seek permission for the outdoor café space, provide insurance naming the City as additionally insured, and sign a liability waiver.

Many of the same guidelines exist, nearly verbatim, in the modern rules and regulations governing present-day sidewalk cafés. (Exhibit 3, page 23)

CITY AUDITOR’S DUTIES

The Department of Audit elected to review this permit function following its 2024 audit: *A License May Be Required*, which examined the city’s licensing and permitting operations. That audit found that licensing and permitting operations were highly decentralized, lacking important support structures, poorly enforced, and losing money. (Exhibit 4, page 27)

Using the City Auditor’s powers under Article V, Section 5-501 of the City Charter, to conduct an audit of the affairs of every department and to “make such recommendations for the improved administration of affairs of the city government as it shall deem proper”, the Department of Audit selected this permit for review as part of its ongoing efforts to safeguard city finances and improve the operations of city functions.

AUDIT INFORMATION

OBJECTIVES

The Office of the City Auditor established three objectives to determine compliance with the Ordinance.

Objective #1: Determine if the City of Syracuse has developed appropriate rules and regulations governing the operation and maintenance of Sidewalk Cafés.

Objective #2: Determine if permit holders were properly screened in accordance with the requirements established in Article 14, Section 24-67: “Issuance of sidewalk café permits.”

Objective #3: Determine if businesses with sidewalk cafés are operating according to the provisions of the Ordinance, within the rules and regulations established by the City, and under any conditions specific to an individual permit.

SCOPE

The audit scope covered Sidewalk Café permits issued during 2025, including any applications which were denied or still in review at the time of the engagement.

The audit also investigated restaurants, bars, and other commercial businesses operating *without* proper permits, within a limited area of scope. Businesses were reviewed if they were located either:

(1) within a three-block radius of any Sidewalk Café Permit applicant, or

(2) in the commercial corridors identified in the “*Neighborhood Corridor Industry and inventory Analysis*” prepared by Camoin Associates and Streetsense for the Department of Neighborhood and Business Administration in 2019. (Exhibit 5, page 42) In the Analysis, these “commercial corridors” were identified for redevelopment opportunities, and included:

1. The Central Urban Core, encompassing Census tracts 32, 34, 42, 43.01, and 43.02, located around downtown and the University area.
2. Portions of Salina Street (North and South), from Route I-81 to Lodi Street on the Northside, and from Martin Luther King Jr. Street to Lafayette Avenue, on the Southside.
3. Portions of James Street, from Grant Boulevard to the City Line, in Eastwood.
4. Portions of Geddes Street (North and South) from W. Genesee Street headed southbound to Delaware Street, on the Near Westside.
5. Portions of Wolf Street, from Lodi Street to Fourth North Street, on the Northside.
6. Portions of Burnet Avenue, from Catherine Street to S. Midler Avenue, including portions of Hawley-Green and Eastwood.
7. Portions of Butternut Street and Grant Boulevard, from N. Townsend Street to Grant Boulevard, and from Butternut Street to Woodruff Avenue, on the Northside.
8. Portions of West Onondaga Street from Onondaga Creek to Tallman Street, on the Near Westside.
9. Portions of Erie Boulevard East, from Beech Street to Seeley Road, on the Eastside.

METHODOLOGY

This audit's objectives primarily impacted the Central Permit Office, through the Department of Neighborhood and Business Development, and the Department of Public Works. To lesser extents, the Department of Parks, Recreation and Youth Programs, the Syracuse Police Department, and the Syracuse Fire Department were also impacted by this audit. The Assessment Department also participated.

To assess Objective #1, the Department of Audit began by reviewing the Sidewalk Café Permit Ordinance, and then the Sidewalk Café Permit and associated Conceptual Drawings for Sidewalk Cafés available on the Central Permit Office website. At the audit engagement meeting held with all relevant departments, audit staff requested any additional rules, regulations, or supplemental materials; none were provided.

Staff reviewed available documents for items required by Ordinance – hours of operation, diagram, dimensions and square footage, the existence of necessary licenses and permits, proof of having liability insurance, and a notarized signed statement agreeing to comply with the rules and regulations. Audit staff also conferred with the New York State Liquor Authority (SLA) to understand any special rules or regulations which must be followed by establishments which are licensed by the SLA.

These collective rules and regulations were used to determine compliance as part of Objective #3.

For Objective #2, audit staff used IPS, a City software tool which is used to manage Sidewalk Café permits, to review all applications submitted for the 2025 Sidewalk Café season. Audit staff queried those applicants and printed and reviewed all documents associated with those applications, including all attachments, sketches, insurance, permits, licenses, and conditions of approval.

In accordance with Section 24-67 of the Ordinance, auditors also used IPS to check the status of other licenses, permits, and certificates required to be held by Sidewalk Café applicants. Specifically, auditors reviewed Certificates of Use status. Auditors also reviewed SLA records to confirm that businesses serving alcohol held active licenses.

In keeping with the Ordinance requirement to have general liability insurance, auditors checked for the presence of adequate insurance policies and took note if application files were updated with new policies for those whose coverage expired mid-Sidewalk Café season.

To test Objective #3, audit staff performed physical inspections at, and nearby, establishments which were issued permits. Sidewalk Cafés were checked for key requirements to ensure the café was operating legally and safely and providing adequate accessibility. In accordance with the rules and regulations, auditors performed checks for violations including:

- Operating without a valid Sidewalk Café permit
- Operating outside allowable hours (7am-12am)
- Not providing 6' (six feet) required passage
- Obstructing Fire Department Connections (FDCs)
- Not marking the corners of their Sidewalk Café
- Not having barriers or fencing around the Sidewalk Café
- Not being accessible to people with disabilities
- Not removing sidewalk café elements after daily operation
- Not displaying Sidewalk Café permit
- Not displaying alcoholic beverages disclaimer
- Having barriers or fencing taller than 42 inches

ENGAGEMENT PROCESS

On July 29, 2025, the Office of the City Auditor formally notified Mayor Ben Walsh and members of his administration of the Office's intention to begin Audit Number 2025-02: A Compliance Audit of the Sidewalk Café Permit Ordinance. The notification included the objectives, scope, methods, and anticipated timeline for the audit. (Exhibit 6, page 88)

Over the summer, staff from the Office of the City Auditor met with City officials and other employees from the Mayor's Office, the Department of Public Works, the Department of Parks, Recreation, and Youth Programs, the Syracuse Police Department, the Syracuse Fire Department, the Department of Neighborhood and Business Development, and the Department of Assessment, in addition to conducting physical field inspections of Sidewalk Cafés around the City.

Audit staff provided a briefing and draft report to City staff on October 1, 2025 for the administration's review and response. A copy of the administration's response is included, beginning on page 159.

FINDINGS

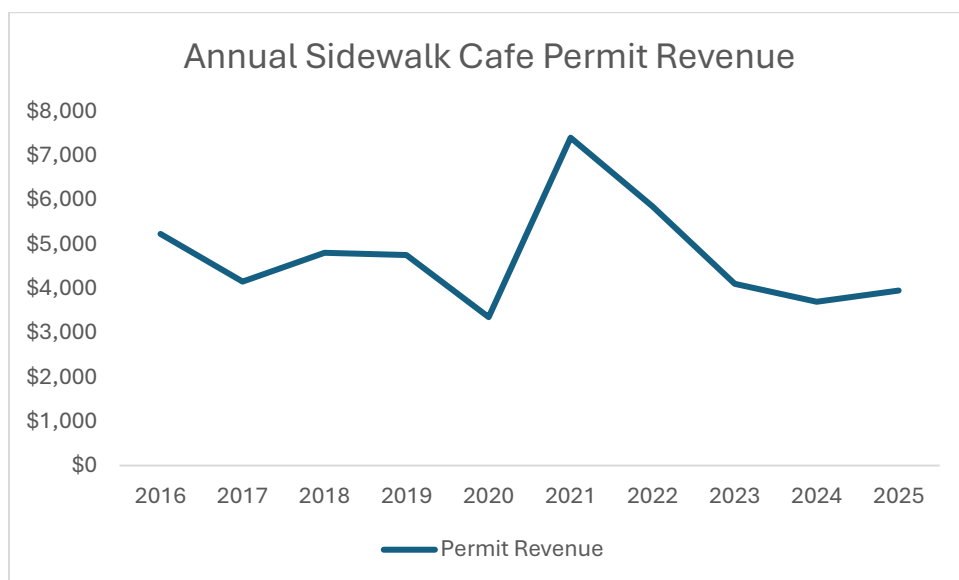
Finding #1: Permitting Sidewalk Cafés Supports City Finances and Protects City Against Lawsuits; Helps Ensure Safety for Patrons and Employees, Accessibility For Passersby

In reviewing the Sidewalk Café Permit Ordinance, Rules, Regulations, and Conceptual Diagrams, the audit found four components of the Sidewalk Café permit – financial, legal, safety, and accessibility.

- Financially, the permit provides a revenue source for the City, generating several thousand dollars in annual permit fees. The fees are offset by staff time to administer the program.
- Legally, the permit requires establishments to have a minimum of \$1 million of General Liability insurance which names the City of Syracuse as an additionally insured party, indemnifying the City and protecting city taxpayers.
- From a safety perspective, the permit should ensure that Fire Department Connections and hydrants are not obstructed, and that businesses have appropriate ingress and egress.
- From an accessibility standpoint, the permit should ensure that adequate space (a minimum of six feet) is available in the Right-of-Way for all pedestrian traffic, including for individuals who use mobility devices.

Finding #2: Sidewalk Café Permits Generate Less than \$4,000 in Annual Permit Fees

A review of City financial data found that permits issued for Sidewalk Cafés have generated, on average, less than \$4,000 each Sidewalk Café season for the last three years, and never more than \$7,400 in any year during the last decade. The permit fees, which range from \$50 to \$300 annually (depending on the area of the café), remain the same as in 2011 when the legislation was made law. The average fee paid for a Sidewalk Café Permit is less than \$150.



Finding #3: City Has Developed Elaborate Rules and Regulations Governing the Operation and Maintenance of Sidewalk Cafés, Consistent With The Ordinance’s Legislative Intent

Elaborate rules and regulations governing the operation and maintenance of sidewalk cafés have been created by the City which provide specific details including application fees, permit display requirements, insurance requirements, hours of operation, and others. (Exhibit 3, page 23) These rules are attached to the permit application and applicants must sign a compliance statement, witnessed by a notary, confirming that they have received, reviewed, and agree to comply with the rules and regulations. It notes that failure to abide by these rules may result in a permit being revoked. Accompanying the rules is four pages of conceptual diagrams depicting sample site plans and identifying required markings. (Exhibit 7, page 91)

Additionally, after each application is approved, the City provides a liability waiver to each permitted entity, further detailing conditions or requirements specific to an establishment. This waiver indemnifies the City and is required to be signed by the permittee and kept on site. (Exhibit 8, page 95)

The audit found that while the Ordinance was not adopted until 2011, rules which regulate sidewalk cafés date back to at least the early 1990s (Exhibit 2, page 20).

The Department of Audit finds the rules and regulations to be reasonable and consistent with the intent of the legislation.

Finding #4: Department of Public Works is Usually Responsible for Reviewing and Issuing Permits; Responsibility to Monitor Compliance Given Jointly to Police Department, Fire Department, and Code Enforcement But No Department Actively Enforcing Rules

The City’s Department of Public Works (DPW) is primarily responsible for issuing the Sidewalk Café Permit because the operation typically occurs in the City’s Right-of-Way, legally overseen by the Commissioner of Public Works. Accordingly, DPW reviews each application, and the Commissioner of Public Works signs each permit. The sole exception is for cafés which utilize City park space; permits for those establishments are reviewed by the City Department of Parks, Recreation and Youth Programs (Parks) for appropriateness.

Despite issuing these permits, neither DPW or Parks have been designated with any responsibility to monitor or oversee this program with the Ordinance specifically naming the Police Department, the Fire Department, and Code Enforcement to handle this duty. The Rules also invoke “Ordinance Enforcement,” a common name for a small detail of the Syracuse Police Department. (Exhibit 3, page 23)

Those same rules state, “A City of Syracuse Inspection of the sidewalk café will occur after the permit is issued” and the rules further state that “any violations...will result in citations being issued to the operator and/or revocation of the Sidewalk Café permit....” Despite elaborate rules and regulations, including four pages of conceptual diagrams, the audit found no city department or employee is taking the active responsibility for monitoring or enforcing the rules of sidewalk cafés. Audit staff found no evidence of any inspections taking place, and no city employee or department could identify a plan or process for inspecting these establishments specifically for compliance with this ordinance.

Finding #5: City Issuing Sidewalk Café Permits to Businesses Without Valid Certificates of Use

The audit found that the City is allowing businesses to operate, sometimes for months or years, without current and valid Certificates of Use (COUs). (Exhibit 9, page 100) And despite not having that legally-required permission, the City then accepted applications from those businesses for Sidewalk Cafés and issued permits to those establishments.

Section 24-67 of the Sidewalk Café Permit Ordinance explicitly states that the Sidewalk Café permit shall be issued where, “...all applicable state and local laws, ordinances, resolutions and rules and regulations ...have been complied with.” (Exhibit 1, page 18)

All restaurants and bars are required to hold a valid Business Certificate of Use (COU), and other venues, depending on their activities, may be required to have Entertainment Licenses, Amusement Licenses, and Concert & Dance Licenses. (Exhibit 10, page 101; Exhibit 11, page 111) No Sidewalk Café permit should be issued if a business does not have active and valid Certificate of Use or other licenses, and/or permits necessary to operate.

Section 27-164, part C, of the Syracuse Property Conservation Code is clear: “Any business operating without a valid certificate of use shall be considered “unlawful” ... and may be subject to immediate closure by the division of code enforcement.” (Exhibit 12, page 115)

Of deep concern, a common reason for COUs not being issued was outstanding fire safety issues including failure to provide required fire protection system certifications for fire alarms, smoke detectors, and sprinklers – systems designed and required to keep patrons and employees safe during an emergency.

Finding #6: Two Dozen or More Businesses Operating Without Sidewalk Café Permit

Audit staff inspected establishments around the City in areas identified within the scope. These inspections found two dozen businesses, in neighborhoods across the city, using Right-of-Way space for Sidewalk Cafés without a valid permit. At least half of these establishments are current holders of a license from the New York State Liquor Authority.

Some of these unpermitted cafés were found to be violating key safety and accessibility requirements of the rules, including failing to maintain a six-foot walking path. (Exhibit 13, page 116)

Businesses which host and serve the public should be held to a high standard, especially if they serve alcohol. Operating without all proper permits is a valid reason to revoke a Business Certificate of Use.

BUSINESSES FOUND OPERATING SIDEWALK CAFÉS WITHOUT A PERMIT

Al's Wine & Whiskey Lounge	321 S Clinton Street
Apizza Regionale	260 W Genesee Street
Byblos Mediterranean Café	223 N Clinton Street
Collegetown Bagels	177 Marshall Street
Crooked Cattle	290 W Jefferson Street
Eden	118 E Genesee Street
Faegan's Café & Pub	734 S Crouse Avenue
Francesca's Cucina	545 N Salina Street
Funk 'n Waffles	307 S Clinton Street
GILDED CLUB	415 S Clinton Street
Glazed & Confused	211 N Clinton Street
Maxwells	122 E Genesee Street
Munjed's Middle Eastern & Greek Restaurant	505 Westcott Street
Oh My Darling	321 S Salina Street
Orbis Lounge	134 E Genesee Street
Peppinos Restaurant & Catering	1849 Grant Boulevard
Poundtown Burger Bar	208 W Water Street
Sassy-Cuse Saloon	127 W Fayette Street
Soup R Salads	308 S Warren Street
The Corner Bar	400 S Clinton Street
The Cracked Bean Roastery	2384 James Street
The York	247 W Fayette Street
Varsity Pizza Syracuse	802 S Crouse Avenue
Yeti Frozen Yogurt & Café	558 Westcott Street

Finding #7: Permitted Sidewalk Cafés Operating In Violation of Rules and Regulations

The audit found many businesses operating *permitted* sidewalk cafés doing so in violation of portions of the Ordinance, the Rules and Regulations, and/or conditions of their individual permits.

Violations included:

- Not providing 6' (six feet) required passage. (Exhibit 14, page 117)
- Obstructing Fire Department Connections (FDCs) (Exhibit 15, page 118)
- Not marking the corners of their café (Exhibit 16, page 119)
- Not having barriers or fencing for the café (Exhibit 17, page 120)
- Not displaying Sidewalk Café Permit (Many businesses found not displaying permit)
- Not displaying alcoholic beverages disclaimer (No businesses found displaying this information)
- Permanently Affixing Fencing to Sidewalk with Lag Bolts (Exhibit 18, page 121)
- Barriers/Fencing Taller Than 42 Inches High (Exhibit 19, page 122)

Finding #8: State Liquor Authority Must Approve Outdoor Seating for Establishments Which Serve Alcohol; No Businesses With Sidewalk Café Permit Have Complied With This Requirement

Section 111-A of the New York State Alcohol Beverage Control Law, enacted in 2024 (Exhibit 20, page 123), requires certain licensees who wish to use municipal space for on-premises alcoholic beverage sales to file an alteration application to the New York State Liquor Authority (SLA), seeking permission to have their establishment's boundaries altered to permit use of public space for alcohol sales. (Exhibit 21, page 127; Exhibit 22, page 133)

Despite signing an affidavit when filing the application that the owner will notify the SLA of their outdoor seating space, according to officials at the State Liquor Authority, no businesses in Syracuse which hold a current Sidewalk Café permit have made such an application for approval to use those spaces. (Exhibit 23, page 141; Exhibit 24, page 146)

Finding #9: Syracuse Fire Department Only Reviews New And Modified Sidewalk Café Applications

Syracuse Fire Department officials told audit staff they do not review Sidewalk Café permits for prior permit holders and are only engaged if the application is a new business or a modified plan.

Finding #10: Other Wares, Advertising Signs, and Private Parking Signage Found on City Sidewalks

While inspecting Sidewalk Café permit compliance, audit staff found numerous examples of city sidewalks being used to display goods for sale, advertise nearby businesses, or direct people to private parking facilities.

Several retail businesses were found to be selling goods on the sidewalk. (Exhibit 25, page 147) Retailers are required to apply for and receive a Liability Waiver, with a \$75 fee, to use the city's Right-of-Way to sell goods. (Exhibit 26, page 148; Exhibit 27, page 149)

Advertising signs (commonly known as A-frames) were found on City sidewalks at numerous locations in Downtown; some were found chained to City street signs directing vehicles to for-profit private parking options. (Exhibit 28, page 154) Attaching an advertising board to city street pole is prohibited by Section 7-14 of the Revised General Ordinances. (Exhibit 29, page 155)

Individuals or businesses seeking to display advertising boards, signs, or placards in the city's Right-of-Way must pay a \$50 application fee and receive a Bill Posting License. (Exhibit 30, page 156)

RECOMMENDATIONS

Recommendation #1: Rename Permit “Sidewalk Service Permit” and Overhaul Fee Structure; Create Clear Categories Distinguishing Between Daytime Cafés, Evening Bars, and Late-Night Clubs

Current law views all outdoor seating using the Right-of-Way exactly the same and bases the permit fee on the square footage of the space. The permit does not consider hours of operation, number of seats, or most importantly, whether or not the business serves alcohol. Further, the term “café” may not be appropriate for most businesses which use the Right-of-Way to serve or queue their customers.

The Common Council should amend Section 24-64 to create three distinct categories of outdoor service to reflect the reality that “sidewalk café” spaces are not created equal, and in many cases are not cafés at all. The true café – a coffee shop – with eight outdoor seats that closes at 4pm (i.e. Recess Coffee) should not be categorized in the same manner as a bar with dozens of outdoor seats that morphs into a late-night club after hours (i.e. Margarita’s Mexican Cantina).

The Auditor’s proposed structure mandates all applicants to be inspected and pay a mandatory \$100 Right-of-Way inspection fee (as required by the current Ordinance and included on the Right-of-Way fee schedule) in addition to a permit fee based on their use and seating arrangement. All businesses would be required to comply with all other safety and accessibility guidelines.

PROPOSED SIDEWALK CAFÉ PERMIT FEE STRUCTURE

Mandatory Right-of-Way Inspection Fee	\$100.00
Daytime/Alcohol-Free Service	\$5.00 Per Seat
Evening/Alcohol Service	\$25.00 Per Seat
Late-Night Club Service	\$3,500 Flat Fee

Daytime/Alcohol-Free Service Permit would apply to businesses which do not serve alcohol and close daily by 6:00pm. The fee for this permit would be \$5.00 per seat, plus the inspection fee.

Evening/Alcohol Service Permit would apply to any business which serves alcohol or wishes to remain open until 12:00am. The fee for this permit would be \$25.00 per seat, plus the inspection fee.

Late-Night Club Service Permit would apply to a business which serves alcohol, wishes to remain open until 2:00am, and uses the public Right-of-Way for queueing patrons. The fee for this permit would be a flat rate of \$3,500 annually. Businesses which transition from seating to queueing would be required to get both the Evening/Alcohol and the Late-Night Club Permit, plus the inspection fee.

This structure emphasizes that businesses which sell alcohol are state-regulated and must follow specific rules to sell alcohol from public spaces, including filing paperwork with the State Liquor Authority. They also use more local resources to ensure safety and keep order. Expanding into the City’s public Right-of-Way further affords businesses a tremendous opportunity to make significant additional revenue from the increased seating and queueing capacity.

Three-quarters of permitted Sidewalk Cafés are businesses which serve alcohol; a dozen more are operating unpermitted outdoor seating. These businesses should be held to a higher standard.

Recommendation #2: Immediately Shut Down Businesses Operating Without Current and Valid Certificates of Use

Any business operating without a valid Certificate of Use shall be considered “unlawful” according to City law. And despite having the ability to issue Conditional Certificates of Approval, too many businesses go without this permission for too long, putting the public in danger.

The City Division of Code Enforcement, along with the Syracuse Police Department and the Syracuse Fire Department should move to immediately shut down any business which is not in compliance with the Business Certificate of Use law.

Too often, these businesses have failed to provide the City with required proof their fire systems are working properly, meaning patrons and employees are put into unnecessary danger each time they step inside. Shutting down these businesses sends the message that safety of patrons is the City’s top priority.

Recommendation #3: Enforce Right-of-Way Ordinances Including Sidewalk Café Permits; Prioritize Safety and Accessibility and Reduce City Liability

With nearly two dozen businesses operating Sidewalk Cafés without a permit, and numerous others using the Right-of-Way to sell goods or advertise, it’s clear Right-of-Way permits are not being properly prioritized by City officials. These permits loan valuable public space to for-profit operators to increase their profits, while also increasing the city’s liability and putting safety and accessibility at risk.

City officials should follow the law, complete mandatory inspections of existing permit holders as required by Ordinance, and issue citations to all businesses not operating in accordance with law.

Recommendation #4: Central Permit Office Should Perform Thorough Compliance Checks On All Applicants to Ensure They Are Current on City Charges, Permits, Licenses, and Certificates

As was recommended in the City Auditor’s 2024 audit, “*A License May Be Required*,” the City Auditor is again recommending that anyone seeking to do business in the City of Syracuse should be fully-compliant with our laws and regulations, current on all on city charges, and have all necessary and required permits, licenses, and certificates before being allowed to operate or receive additional permissions from the City.

The application review process should *begin* with a mandatory check of business and property owners, ensuring applicants are current on all City payments, including taxes, water and sewer charges, sidewalk charges, parking tickets and penalties, code violations, and legal judgements. Business owners should also be thoroughly vetted to ensure their establishments have active and current Certificates of Use, Entertainment Licenses, and all other necessary licenses, permits, and certificates. For organizations which are not sole proprietors, this review should extend to all principals of the firm. Completing these checks immediately upon application ensures other reviewing departments don’t waste time on reviewing applications which have defects.

The application process should immediately be halted for any individual or company with any past due or outstanding charges, or invalid or missing permissions. Those businesses and property owners should be notified of the issues and be required to resolve them in full before their application will be processed.

Recommendation #5: Eliminate Fencing/Barrier Requirements For Establishments Which Do Not Serve Alcohol

Containment of outdoor seating areas (using fencing, shrubs, walls, or rope and stanchion) is a requirement of the State Liquor Authority for establishments which serve alcohol. These barriers, which vary from business to business, may complicate firefighting efforts and make it difficult for people with disabilities to navigate outdoor seating. Businesses which do not sell alcohol should be exempt from having to place such barriers or fencing around their outdoor café spaces.

Recommendation #6: Remove Permit Seasonality; Encourage Outdoor Seating Year-Round

The Common Council should remove the April through October seasonality from the permit and allow outdoor seating year-round. Businesses should be encouraged to activate our business districts, especially in winter, for outdoor dining. Encouraging outdoor dining year-round enlivens commercial areas and creates placemaking opportunities. Businesses opting to extend sidewalk service year-round should be required to maintain safety and accessibility by clearing snow and salting as needed.

Recommendation #7: Syracuse Fire Department Should Review All Sidewalk Service Applications

Given the low level of compliance with this Ordinance, and notable violations related to fire safety even among permitted establishments, it's clear the Syracuse Fire Department should begin an annual review process for these permits. Departmental turnover puts knowledge of unique circumstances at risk and fire codes undergo regular updates. Fresh eyes on plans can help spot trouble before it becomes a problem.

ARTICLE 14. - SIDEWALK CAFE PERMIT ORDINANCE

Sec. 24-60. - Title.

This article shall be known as the "Sidewalk Cafe Permit Ordinance."

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-61. - Definition of sidewalk cafe.

For the purposes of this article, "sidewalk cafe" shall mean an area on a public sidewalk or city park adjacent to a restaurant, bar or other commercial business that is used by said restaurant, bar or other commercial business to seat and/or serve its patrons.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-62. - Permit required for sidewalk cafes.

No person, corporation, limited liability company, general partnership or limited partnership shall set up, maintain or operate a sidewalk cafe on a public sidewalk or city park without a sidewalk cafe permit from the commissioner of public works or the commissioner of parks, recreation and youth programs.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-63. - Permit application.

An application for a sidewalk cafe permit shall be made to the department of public works for a sidewalk cafe on a public sidewalk and to the department of parks, recreation and youth programs for a sidewalk cafe in a city park. The application for a sidewalk cafe permit shall be made on forms prescribed by the commissioner of public works and the commissioner of parks, recreation and youth programs. The application shall request relevant information relating to the sidewalk cafe, including, but not limited to, the hours of operation, a diagram of the sidewalk cafe, the dimensions and amount of square footage to be used by the sidewalk cafe and the existence of necessary licenses and permits.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-64. - Sidewalk cafe permit fees.

The fee for a sidewalk cafe permit shall be based upon the amount of square footage being used by the sidewalk cafe. Accordingly, the fees for a sidewalk cafe permit shall be as follows:

200 sq. ft. or less\$50.00

201—400 sq. ft.100.00

401—600 sq. ft.150.00

601—800 sq. ft.200.00

801—1,000 sq. ft.250.00

More than 1,000 sq. ft.300.00

The fee for sidewalk cafe permits shall be paid at the time that the application for a sidewalk cafe permit is submitted. No application for a sidewalk cafe permit shall be accepted where the sidewalk cafe permit has not been paid.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-65. - Rules and regulations.

The commissioner of public works and the commissioner of parks, recreation and youth programs shall promulgate rules and regulations regarding the operation of sidewalk cafes within their jurisdiction. These rules and regulations shall be provided to applicants for sidewalk cafe permits. Applicants shall sign a statement under oath that they have read the rules and regulations and agree to comply with the rules and regulations.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-66. - Insurance.

The operator of a sidewalk cafe must secure commercial general liability insurance for the sidewalk cafe in an amount set by the commissioner of public works and the commissioner of parks, recreation and youth programs. The insurance must have the city of Syracuse listed as an additional insured in the insurance policy.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-67. - Issuance of sidewalk cafe permits.

The commissioner of public works and the commissioner of parks, recreation and youth programs shall issue a sidewalk cafe permit for sidewalk cafes within their jurisdiction where the proposed sidewalk cafe poses no danger to public safety and/or health, the applicant and operator of the sidewalk cafe are in compliance with the commissioner's rules and regulations and all applicable state and local laws, ordinances, resolutions and rules and regulations and the requirements of this article have been complied with.

(Gen. Ord. No. 10-2011, 3-14-11)

Sec. 24-68. - Expiration of permit.

Sidewalk cafe permits shall be valid from April 1 to October 31 of the year for which the sidewalk cafe permit is issued unless the permit is suspended or revoked.

(Gen. Ord. No. 10-2011, 3-14-11)



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OFFICE OF DEVELOPMENT

THOMAS G. YOUNG, MAYOR

Guidelines - Outdoor Cafes

Purpose: The intent of these guidelines is to encourage outside dining that enhances the streetscape and adds a festive air to downtown activity, in a safe, unimpeding manner.

Location

- a. The linear width of the cafe should fit within the property boundaries except where the edge of the cafe border is less than 20 ft. from a neighbor's front entry.
- b. The cafe may extend from the face of the building toward the curb, assuring that a clear minimum pedestrian passageway is maintained per the following;
 - Low Volume Streets (e.g. S. Franklin): 5'-0" min.
 - Medium Volume Streets (e.g. S. Salina): 8'-0" min.
 - High Volume Streets (e.g. S. Warren): 10'-0" min.
- c. All exits from the building must be kept clear, and no permanent item can be placed in front of the fire department connections.

Boundaries

- a. The outside eating area must be confined within a clearly defined boundary using temporary materials. Acceptable materials will include planters with flowers or foliage; decorative fencing, or (other approved material). The maximum height of the boundary materials is 3'-6".

Hours of Operation

- a. No alcoholic beverages may be served at the outdoor eating area after 11 p.m. Beverages must be consumed only within the cafe boundaries.
- b. Food may be served during the hours of restaurant operation only. No outside cooking is permitted.

Supervision

- a. The outside eating area must be supervised at all times when alcoholic beverages will be served and consumed.

Maintenance & Storage

- a. Cleaning must occur on a daily basis and include a 10' area surrounding the cafe border.
- b. All exits must be kept clear when sidewalk furniture is stored inside the building.

Canopies, Awnings, Umbrellas

- a. Canopies, awnings and umbrellas must be firmly installed to withstand typical rain and wind conditions during the day. The covering must be rolled up and securely fastened when the outdoor cafe is closed, or they must be dismantled.

Permitting Procedures

Apply to the Traffic Engineer in the Department of Public Works (448-2489) for a Temporary Encroachment Permit. Provide 2 copies of a plan of the sidewalk area that clearly indicate the following:

- 1) Dimensions
- 2) The location of all tables, barriers, planters and other amenities.
- 3) The specific materials, furniture and colors to be used.
- 4) Description of how this area will be managed and maintained.

The Traffic Engineer will obtain the necessary approvals from the Departments of Police, Fire and Development before issuing the permit.

Guidelines

Location:

a) The linear width of the Cafe will fit within the property boundaries except where the cafe border is less than 20 feet from an adjoining property or establishment.

b) The cafe may extend from the face of the building toward the curb, except there must be maintained a minimum distance from the curb to allow for vehicles to open their doors. The placement of tables and related equipment will not be permitted to block the normal travel path of pedestrians. The pedestrian travel path width will be as follows:

Low volume streets (i.e. Franklin Street)	5 foot minimum
Medium volume street (i.e. S. Salina)	8 foot minimum
High volume street (i.e. S. Warren)	10 foot minimum

These standards are predicated on current volumes and are subject to change as conditions merit.

c) The tables and related equipment will not be permitted to obstruct the sight distance of vehicular or pedestrian traffic.

Emergency Access: All doors, fire exits and siamese connections will be kept clear of all tables and related materials.

Boundaries: The outside eating area must be confined within a clearly defined boundary using temporary materials. Acceptable materials will include planters with flowers or foliage, decorative fencing, or other approved material. The maximum height of the boundary materials will not exceed 3 feet 6 inches.

Hours of Operation:

a) No alcoholic beverages may be served at the outdoor eating area after 2:00 A.M. Beverages may be consumed only within the cafe boundaries.

b) Food may be served during the hours of restaurant operation only. No outside cooking will be permitted.

Maintenance and Storage:

a) Cleaning must occur on an ongoing basis, the area will be kept broom clean by removal of all debris generated as result of the Applicants operation.

b) All exits must be kept clear when sidewalk furniture and related equipment are stored inside or outside the building.

c) At the end of the season all appurtenances utilized for the outdoor cafe operation will be removed from the sidewalk area. The sidewalk area will be returned to the condition that existed prior to the setup of the outdoor cafe.

Canopies, Awnings, Umbrellas: Each of these appurtenances must be of such construction as to withstand normal weather conditions typical for the City of Syracuse, including loadings, during the normal conduct of business. These units must be rolled up or as normally stored, when the outdoor cafe is closed, or they must be dismantled. Where a permanent structure is requested a separate permit will be required.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Rules and Regulations for the Operation of a Sidewalk Café

The City of Syracuse requires operators and their employees, agents, or contractors to comply with all sidewalk café rules and regulations listed in this document (pages 2 to 4). Failure to do so may result in the revocation of the Sidewalk Café Permit. The City of Syracuse Police Department, Fire Department, Code Enforcement, and Ordinance Enforcement will monitor the operation of all sidewalk cafés in the City of Syracuse and are permitted to issue citations for any violations of local laws, ordinances, and rules and regulations of the City of Syracuse that may apply.

- **The Application Fee** is due when the application is submitted and is based on square footage as outlined below:

Square Footage	Fee
Up to 200 sq. ft	\$50
201 – 400 sq. ft	\$100
401 – 600 sq. ft	\$150
601 – 800 sq. ft.	\$200
801 – 1000 sq. ft	\$250
1001 + sq. ft.	\$300

- **Special Use Permit:** A Special Use Permit is required for certain land uses as specified in the [City of Syracuse Zoning Ordinance](#). The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or varying operating characteristics or unusual features. If the property where the business is established requires a Special Use Permit, it must be obtained from the Office of Zoning Administration (Zoning Office) and reflect the Sidewalk Café area before the Sidewalk Café Permit is issued. Please contact the Zoning Office at 315-448-8640 or zoning@syr.gov to verify if a Special Use Permit is required and/or to apply for a new Special Use Permit.
- **The Sidewalk Café Permit Season** is from April 1 to October 31 of the year the permit is issued. If good weather allows before or after these dates, and your business already has a permit approved for the year, you are allowed to set up your café on a day-to-day basis.
- **In the off-season** (before April 1 or after October 31), the area must be returned to the condition that existed prior to setting up the sidewalk café. All tables and chairs must be brought in off the sidewalk each night. Storing them on the sidewalk is prohibited and they may be confiscated if left outside.
- **The Sidewalk Café Elements**, collectively defined here as all tables, chairs, plants, planters, and any other items of the sidewalk café, must be included in the Sidewalk Café Diagram submitted with the application. These elements will need to be approved before the permit is issued. Sidewalk café elements shall be promptly stacked and/or set aside immediately after the sidewalk café discontinues its daily operation.
- Once issued, **The Sidewalk Café Permit must be displayed** in a prominent place near the sidewalk café area. The permit must include the layout of the permitted sidewalk café area.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Rules and Regulations continued

- A **Certificate of Insurance** in the amount of \$1 million for General Liability and \$500,000 for Workers' Compensation coverage, naming the City of Syracuse as additionally insured, must be submitted with the application.
- A **Copy of the NYS Liquor License and Affidavit of Owner/Manager** must be submitted for establishments serving alcoholic beverages. The affidavit must be signed and notarized stating that the establishment has provided significant proof and paperwork to the NYS Liquor Authority of the addition of the sidewalk café to the business operations. For establishments that did not require a liquor license but elect to serve alcoholic beverages after the Sidewalk Café Permit was issued, proof of a valid liquor license must be provided upon obtaining said license.
- **The Sidewalk Café Operation Hours** must be between **7 a.m. and midnight**. If the establishment hours are more restrictive by operation of law or otherwise, the more restrictive hours will dictate the sidewalk café hours. No alcoholic beverages or food may be consumed in the café area outside of these hours.
- **All Sidewalk Cafés** must comply with all applicable requirements and standards for a retail food establishment including but not limited to the following:
 - Patrons must always wear shoes and shirts.
 - Sidewalk cafés must always have an opening for ingress and egress.
 - Sidewalk cafés must always adhere to the size, design, layout, and any other specifications approved by the City of Syracuse (see Sidewalk Café Design Standards).
 - The Sidewalk café must always be supervised by appropriate personnel, especially when alcoholic beverages will be served and consumed.
- **Daily sanitary cleaning of the sidewalk café area is required.** All areas within and surrounding the sidewalk café must be maintained in a clean, neat, and sanitary condition. The operator must ensure all litter and debris gets removed and the area is washed down and cleaned daily. All cleaning must be performed in accordance with applicable federal and state regulations. The washing of garbage cans, containers, or other personal property on the sidewalks is prohibited.
- **Playing live or recorded amplified music from sidewalk cafés is prohibited.** Speakers, microphones, televisions, or any other audio/video devices are not allowed at a sidewalk café. If the operator has a valid permit for this type of entertainment, they must include a copy with the Sidewalk Café Permit Application.
- **Canopies, awnings, and umbrellas** must be firmly installed to withstand typical weather conditions. These units must be rolled up and securely fastened when the outdoor café is closed, or they must be dismantled. **Canopies and awnings** must be noted on the Sidewalk Café Diagram and may require an additional permit from the Central Permit Office before installation.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Rules and Regulations continued

- **A boundary of the outside eating area** must be clearly defined using temporary materials. The extent of the area is to be marked on the sidewalk with cloth style/gaffer tape or other semi-permanent and non-residue producing material at all corners. Acceptable materials will include planters with flowers or foliage, decorative fencing, or other approved material. The maximum height of the boundary material must not exceed 3 feet 6 inches. A photo or exact description must be given with the application. The line of fencing must be included in the allowed area of the Sidewalk Café and not beyond.
- **No outside cooking** will be permitted without a Food Vendor License from the City of Syracuse.
- **A Certificate of Maximum Occupancy** for the Sidewalk Café will be determined by the City of Syracuse Fire Department. The occupancy number must be updated to reflect any NYS or City requirements over previous years/permits.
- **A City of Syracuse Inspection** of the sidewalk café will occur after the permit is issued. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application will result in citations being issued to the operator and/or revocation of the Sidewalk Café Permit for the premises.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Sidewalk Café Design Standards

Establishments seeking a Sidewalk Café Permit must adhere to the following design standards to remain consistent with the City of Syracuse's objective in creating outdoor dining spaces that enhance and improve our city sidewalks. [Click here for a conceptual Sidewalk Café Seating Diagram.](#)

A Site Plan drawing of the sidewalk café area must be submitted indicating the following:

- Dimensions of property frontage.
- Dimensions from building face to edge of sidewalk and from edge of sidewalk to the curb (or grass or brick area).
- Dimensions of proposed sidewalk café area, with fencing or border included.
- Dimensions of all tables, chairs, and other apparatus.
- Location and dimensions of any proposed or existing canopies or awnings.
- The location on sidewalk of all tape/markings for corners, tables, chairs, barriers, planters, and other apparatus.
- The specific materials, furniture, and colors to be used.
- A description of how this area will be managed and maintained.
- Fire Department connections (if applicable).

Space and Clearances

- The linear width of the café, including all fencing and borders, should fit within the property boundaries except where the edge of the café border is less than 20 feet from an adjoining property.
- The café may extend from the face of the building toward the curb, assuring that a clear pedestrian passageway that is a minimum of 6 feet is maintained at all times (unless otherwise directed by the City), exclusive of all meters, sign posts, tree grates, etc. The grass or brick area between the sidewalk and the curb may not be used as part of the 6-foot passageway.
- The tables and related apparatus will not be permitted to obstruct the sight distance of vehicular or pedestrian traffic.
- The café shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, tree grates, signs, parking meters, or benches located on the sidewalk or public right of way.
- Fire connections on buildings must not be blocked.
- The café must not impact the required clear distance for maneuvering around entrances or exits. The outdoor dining area must be accessible to all persons with disabilities, patrons, and employees, and any building adjacent to these areas shall maintain building egress as defined by the current local codes.

Signage

- A sign posted in a visible location is required at every sidewalk café, which states "It is unlawful to consume alcoholic beverages not purchased at operator's establishment or its sidewalk café or to remove alcoholic beverages from the sidewalk café."
- Signs advertising the sale of goods or services at a sidewalk café are prohibited. This includes but is not limited to sandwich boards, banners, writing or signs as part of the furniture or on umbrellas, pamphlets, podiums, or other sidewalk café apparatus containing a sign or advertisement.



A LICENSE MAY BE REQUIRED

AUDIT OF THE CITY OF SYRACUSE LICENSE &
PERMIT OPERATIONS



ALEXANDER MARION, MPA
SYRACUSE CITY AUDITOR

FINDINGS

OVERALL

Finding: The Ordinances Governing Licenses, Permits, Inspections, Registrations, Approvals, and Certificates are Complex, Outdated, and Overlapping

The terms license, permit, inspection, registration, approval, and certificate are used, sometimes interchangeably, within City ordinances to define the various permissions and allowances required from City government.

The audit found layers of legislation over the years have created scattered, confusing, complicated, and sometimes overlapping rules which make it hard for even City officials to interpret and follow. Some types of businesses, including amusement businesses, taxicabs, and secondhand dealers, have been particularly regulated over time.

Despite the many layers of legislation, some licenses lack a statutory definition outlining the specific nature of what activity/business requires the license. Some licenses, such as entertainment licenses, provide a schedule of fees with far too many categories which are too similar. Both instances have built-in confusion about to whom the license applies or which fee should be charged.

Finding: The City of Syracuse Has Ordinances Regulating 75 Different Licenses

The audit found a myriad of ordinances covering 75 different businesses or license types, everything from transport vehicles, to amusement venues, to transient businesses, and more. (Exhibit 15)

Below is the complete list of licenses which are legislated in the City's Revised General Ordinances.

Acrobatic Performance
Amusement Center Owner/Operator (Amusement Operator's License)
Amusement Center (having coin-controlled devices)
Amusement Center (Juke-box only)
Amusement Location Game/Amusement Device
Bingo
Games of Chance
Charitable Gaming
Circus (Indoor or Outdoor)
Common Showman
Concert
Curiosity (Artificial or Natural)
Dance
Public Dance, Dancing/Dancing Hall
Exhibition - Paintings
Exhibition - Statuary
Feats of Horsemanship
Feats of Legerdemain
Feats of Necromancy

Jukeboxes
Floor Show
Motion Picture Show
Motion Picture Device
Opera Performance
Picture Show
Professional Basketball
Professional Hockey
Skating/Skating Rink/Roller Skating Rink
"Any Other Amusement for the Public"
Open-Air-Cultural Event (Sponsored by a nonprofit to display and/or sell paintings, works of art, jewelry, handicraft, etc.)
Juice Bar
Bill Poster
Bill Distribution
Buses
Auctioneer
Going-Out-of-Business Sales
Junk Collector Without A Yard
Newsstand/Sidewalk Newsstand
Nonresident Bankrupt Sales
Damaged Goods Clothing Sales
Pawnbrokers
Peddlers & Peddlers Assistants
Transient Retail Business
Secondhand Dealers
Junk Dealer
Mechanical Contractor - Chemical based fire suppression mechanical license
Mechanical Contractor - Flammable and combustible liquid mechanical license
Mechanical Contractor - Limited HVAC mechanical license
Mechanical Contractor - Limited refrigeration mechanical license
Mechanical Contractor - Master HVAC mechanical license
Mechanical Contractor - Master refrigeration mechanical license
Mechanical Contractor - Residential HVAC mechanical license
Mechanical Contractor - Special HVAC mechanical license
Mechanical Contractor - Special refrigeration mechanical license
Mechanical Contractor - Water based fire suppression mechanical license
Solicitors & Solicitors Assistants
Sentry Dogs
Snow Removal Contractors
Scrap Processors
Tobacco Retail License
Conveying Systems - Installer's License
Conveying Systems - Limited Installer's License
Conveying Systems - Mechanic's License
Food Vendor License
Mobile Food Vendor License
Taxicabs - Ground Transportation License

Taxicabs - Taxicab Driver's License/Airport Bus Driver's License
Ambulances
Towing Company License
Waste Hauler License
Bicycle
Booting License
Business Certificate of Use
Marriage License
Dog License

Finding: Central Permit Office Needs to Do More to Communicate New Location

For many years, the City of Syracuse maintained offices at City Hall Commons, located at 201 E. Washington Street. Upon its creation in 2014, the CPO was housed on the first floor at this location.

In 2023, the City permanently closed City Hall Commons and opened new offices at One Park Place, located at 300 S. State Street, about two blocks from City Hall. As a result, the City reorganized a number of City departments – all departments vacated City Hall Commons and some moved from City Hall to new offices at One Park Place. The CPO office relocated to One Park Place where it now maintains first-floor offices along the south side of the building off E. Onondaga Street.

The audit found that the CPO needs to do better to communicate its new location. As a key customer-facing department, it's important the public can find this office.

The former City Hall Commons is now a locked building with signage at that location found behind dirty glass, making it difficult to read. A QR code and link on that signage directed the user to a “Page Not Found” website. (Exhibit 16) No information or signage was found at City Hall providing information about where someone could find the permit office.

At the new CPO offices, signage is surprisingly limited – with only a small A-frame sign near their office door, accessible only from the far side of the building along E. Onondaga St. advising the public to their entrance. (Exhibit 17) No information directing a visitor to their new office location is available at the main entrance along S. State Street, or the building's side door along E. Fayette Street – both entrances you'd use before seeing the CPO door if you walked from the former City Hall Commons. In the lobby, there is no signage and customers can only access the CPO through the side door along E. Onondaga Street.

CPO staff informed the City Auditor's office at the conclusion of this report that they have begun working with the property manager at One Park Place to acquire and install additional signage on the exterior of the building – a commendable, proactive step.

NOTE: In their response to the draft audit report, the administration notified the Office of the City Auditor of their work to install new, more visible signage at One Park Place and provide a handout at City Hall for those looking for One Park Place offices.

Finding: Licensing Information Hard to Find on City Website; Site Needs More Research Tools and Better User Interface

City websites should be useful tools to help communicate with the public, provide valuable research and information, and save staff time. Good websites for permitting and licensing departments should include

basic departmental objectives, information about requirements, and applications. They should have contact information and titles for key individuals. Websites which include fee schedules, applicable sections of City code, and an online portal where transactions can be conducted make for a great user experience and less calls and emails to departmental offices. The audit found that locating information about licenses and permits can be a burdensome task on the City of Syracuse website.

A “Licenses, Approvals, and Fees” link under the Business tab could provide more utility; it is the same link you get when you type “licenses” into the search bar. Unfortunately, that page only includes information for a Peddler’s License, one of more than three dozen licenses the City requires, and one of the least issued. (Exhibit 18)

A page named Business Resources includes a link to “Forms, Applications, and Documents” but that webpage only includes information about sidewalk cafes and loading zone permits. (Exhibit 19)

Only when you navigate directly to the Central Permit Office webpage can you begin to identify the various licenses the City requires. A “Permits, Licenses, and Periodic Inspections” link (at the bottom of their page) takes you to a page which includes a series of links to the various permits, licenses, and inspections. (Exhibit 20)

Many of these links take you directly to a sign-on page for Camino without providing any additional context. (Exhibit 21) Users cannot use the City website for researching, only for applying. Ideally, users would have access to more information about the process and requirements before being taken to a logon screen.

For links to licenses specifically, during the period under audit, the user would have been directed to a PDF of an outdated application which may have included incorrect information. Fortunately, license applications were updated during the course of this engagement at the recommendation of the Office of the City Auditor. Applications now include information such as a link to the originating ordinance, fees, clear and consistent indemnification statements.

Finding: City Staff Were Unaware of Prior Audits Conducted by the City Auditor; Prior Audit Recommendations Were Never Implemented

As mandated by Article V, Section 5-808 of the City Charter, the City Auditor “shall monthly examine the receipts and disbursements of the department of finance relating to licenses and shall advise the department of finance on the safeguarding and accounting of funds it receives relating to licenses.” (Exhibit 9) Due to the Charter mandate, the City’s licensing functions have been regularly audited over the years by the Office of the City Auditor.

The City Auditor’s website includes past audits going back to 2004 and a review of them found more than a dozen audits related to licensing from 2004 through 2011. (Exhibit 22) These audits are notably dated, however they provided valuable information during this engagement. Many of these audits issued recommendations including: consolidating licensing functions, updating licensing categories, and strengthening internal controls. (Exhibits 23, 24, 25)

The audit found that staff and officials within the Central Permit Office were unaware of any prior audits impacting licensing operations and no prior recommendations from past City Auditors had not been implemented.

ORGANIZATIONAL

Finding: The Central Permit Office (CPO) operates within the Division of Code Enforcement, with a License Coordinator reporting to the Deputy Director of the CPO

The CPO (where most but not all permits and licenses are administered) operates as a function of Division of Code Enforcement within the Department of Neighborhood and Business Development.

The audit found the Office's reporting structure is not linear, with the Director *and* Assistant Director of the CPO handling different portfolios and both reporting to the same supervisor – the Deputy Commissioner of Code Enforcement and Zoning. Two organizational charts were provided by the CPO, an original and an updated version, and neither accurately depicted the actual reporting structure. (Exhibits 26, 27)

NOTE: In response to the draft audit report, the administration reviewed the organizational charts provided and deem them correct. The Office of the City Auditor continues to note that the updated organizational chart provided was organized based on job titles and does not clearly depict the reporting structure or chain of command.

The License Coordinator is reporting to the Assistant Director of the CPO.

The Deputy Commissioner of Code Enforcement and Zoning reports to the Commissioner of Neighborhood and Business Development, who oversees three additional Deputy Commissioners (Neighborhood Development, Business Development, and Planning and Sustainability)

Finding: Licensing Operations Are Highly Decentralized

Despite the abolishment of the License Commission nearly 30 years ago and the centralization of the permitting and licensure functions 10 years ago, the licensing process has struggled to gain efficiencies, create predictability, and provide consistent and high-quality deliverables for residents and businesses looking to operate in the City.

The audit found that NBD, Finance, Police, Fire, DPW, Parks, and the City Clerk can all be involved in the administration of various licenses. At the CPO, reporting structures aren't linear, and enforcement is weak. Without clear leadership and with no ability to enforce the rules, license coordinators are not empowered or obligated to improve the process.

Finding: The Central Permit Office Has Insufficient Organizational Support Structures

Good organizations are guided by strong leadership, a clear mission, and measurable goals and objectives. These organizations see benefits in vision and value statements, good organizational charts, and internal control documents; they value staff development, require regular training, and seek consistency in their work product.

The audit found the overall organization of the CPO lacked key structures and documents to guide the office. No mission or vision statement was provided by the CPO.

A 2022 Standard Operating Procedure document provided the most insight into the innerworkings of the office, but it had not been updated. (Exhibit 28) The document included outdated people, places, and links despite a note on page 1 stating that it would be reviewed and updated quarterly. Two different

versions of an organizational chart were provided but neither accurately depicted the actual reporting structure.

No other training manuals, guides, internal controls, or flowcharts of their operations were provided or identified. Failure to have these key documents puts the organization at risk in the event of extended absences, staff turnover, or changes in administration.

OPERATIONAL

Finding: Nearly All City Licenses Are Administered, Reviewed, And Issued By One Employee, And Only Enforced By A Two-Person Detail Of The Syracuse Police Department.

The audit found license functions effectively operate on the “honor system” with the City issuing licenses to businesses which apply for them but take little to no action on those who fail to comply. Proactive identification of non-compliant businesses and enforcement operations are limited and insufficient.

The administration and issuance of licenses largely runs out of the Central Permit Office and is handled by a single employee, a License Coordinator, who processes new license applications as they are submitted. License reviews can involve other departments, including Police, Fire, and Zoning.

Neither the License Coordinator, SPD, nor other CPO administrative staff identified any proactive work to identify and license non-compliant businesses; tactics including mailings and drop-ins are not used to communicate with businesses and/or individuals who fail to comply with licensing laws. Simple search engine results identified dozens of companies which according to ordinance should be licensed but are not.

With no proactive work taking place, license enforcement is the only tool available to ensure compliance. The Charter gives enforcement power to the Commissioner of Finance, “in cooperation with the Department of Police” (SPD). The Department of Finance does not employ any enforcement staff, leaving all enforcement to the SPD. Until recently, all enforcement work by SPD was carried out by a single Sergeant who handled ordinance enforcement as one of their many responsibilities. SPD recently added a Police Officer to assist the Sergeant with the workload but their time continues to be split among multiple duties. More enforcement work, both proactive and reactive, is needed to ensure high levels of compliance.

Finding: Software Redundancy and Siloing Are Too Common; City Lacks Comprehensive Plan for Programs and Software

Software programs which include public user interfaces are becoming more and more common for governments to engage with citizens. Whether it’s neighbors reporting complaints or developers tracking a project’s permit, exciting new tools are being developed every year. Ensuring these programs are managed well, and expanded or retired when appropriate, is a key function of their success.

IPS (Integrated Property System), Camino, and E-Plans Review (EPR) are all being used by the Central Permit Office to administer licenses and permits. Docupet is being used by the City Clerk to issue dog licenses, and the Water Department is using CityWorks to track service complaints but acknowledged their interest in expanding the program in the future to handle the department’s permitting functions.

The audit found that the City is using multiple programs to license and permit businesses and activities, not including other mapping and design programs being used behind the scenes to assist with other project deliverables. These programs are not being managed centrally and there is no overarching plan for software and programs. The Office of Analytics, Performance, and Innovation (which this year merged with the Office of Digital Services) is now reviewing all new software requests.

An additional concern is that potential users in other City departments are not being included in the planning, development, and build-out of Camino. The CPO wants this to be the only program used in permit and license review as soon as next year but end users in City government feel disconnected from the process and under-included in the development. This was brought to our attention by multiple City staff who stated they were not engaged in planning or implementing the Camino program and were unaware of their personal or departmental role related to Camino moving forward.

Finding: City Has No Dedicated Project Manager for Camino Implementation

Software programs should have a dedicated central manager who can address day-to-day functionality and troubleshooting as well as plan for the big picture and implement changes to those programs. This individual can also act as a liaison between the software developer and city users, funneling concerns and complaints. This is a common practice within the private sector, with staff at major technology companies holding roles like “account representatives” or “customer success managers”, where staff provides support implementing new programs, offering trainings, and resolving user issues.

The audit found that the City does not have a dedicated individual responsible for the implementation and/or build out of the Camino software system. Despite City staff describing Camino as the future state of the permitting and licensing process, staff from Clareti (Camino’s parent company) could not identify a roadmap towards full implementation. A Clareti representative said the City had ample individuals able to use the program but lacked a dedicated subject matter expert able to convene users, prioritize requests, and make backend changes. Additionally, the representative shared that they and their technical support staff were available to assist with build out, implementation, and training, but the City did not regularly request that type of support.

Evidence of this issue was clear when Department of Audit staff requested view only access to Camino from CPO staff and were informed the system does not provide that option by the City’s Chief Administrative Officer. (Exhibit 29) Upon our request, Clareti was able to create view-only accounts for staff in the Auditor’s Office within minutes.

Finding: City Applications Provided Outdated Information, Issues Corrected During Course of the Audit

City applications, available on the City’s website and provided at the beginning of this audit contained outdated information, including fees that did not match current ordinances, contact information for the 201 East Washington Street location, letterhead naming officials from the previous administration, and references to the City’s licensing commission, which was disbanded in 1995. (Exhibit 30)

During this audit, staff from the Office of the City Auditor brought this to the attention of CPO staff, who revised and posted new forms. These new included cover pages, FAQs, and instructional guides. This was a positive development and the CPO staff should be commended for their swift, proactive work.

Finding: Permits, Licenses, and Certificates of Use all Have Different Signatories

Permits, licenses, and certificates of use all have different signatories, emblematic of the nonuniform process of obtaining permissions from the City of Syracuse.

The audit found the Deputy Commissioner of Code Enforcement and Zoning's name appears on City permits related to building codes. (Exhibit 31)

The Commissioner of Finance's name appears on most licenses, despite the employee administering that function, the License Coordinator, reporting to a subordinate of the Deputy Commissioner of Code Enforcement. (Exhibit 32)

Certificates of use, which are general business licenses required for certain businesses including bars, restaurants, food stores, and smoking establishments, have no signatory. A review of these certificates found inconsistencies, with some stamped with the Department of Code Enforcement's raised seal and others containing no seal. (Exhibits 33, 34)

COMPLIANCE

Finding: Many Businesses Operate without Proper Licenses

Hundreds of businesses are required to obtain a license prior to operating, per City ordinance, including buses, food vendors, and professional hockey events. The audit found that numerous businesses – and in some cases entire industries – are operating without proper licenses required by City ordinance.

According to documents provided by City officials, zero licenses were issued during the 18-month audit period for buses, professional hockey, and scrap processors. Only a handful of licenses were issued for snowplow operators, towing companies, and food vendors. Simple internet searches for these terms turned up a wide variety of companies openly promoting and advertising that they operate and do business in the City. A review of these companies found many did not have a valid license to operate during the period of audit scope.

Finding: Central Permit Office Issued A License For A Deregulated Activity And Incorrectly Charged Entertainment Venue

Over time, City licensing regulations have been added and removed to reflect the changing times. In 2020, General Ordinances #19 and #20 were introduced and passed to deregulate bowling alleys. The legislation removed licensing requirements and charges for these facilities, along with dance schools, ice shows, musical shows, and theater/stage productions. (Exhibit 35)

Chapter 5 of the Revised General Ordinances outlines amusement businesses, with Article 1 detailing general licensing provisions. Section 5-6 provides license fees.

The audit found the CPO issued a bowling alley license to Apex Entertainment at DestiNY USA following the repeal of the bowling alley licensure requirement. The City accepted the venue's application and payment and issued a license. (Exhibit 36)

The audit also found the CPO issued an entertainment license to JD Pizza and Grill on October 10, 2023 and charged the venue the annual price. (Exhibit 37) Per licensing ordinance Section 5-6(b), licenses are

issued on a calendar-year basis and a Floor Show license issued after July 1, for a venue of 150-250, should be charged a reduced rate of \$125.00. (Exhibit 38)

Each license contains unique requirements, rules, regulations, and costs. Having a readily accessible, centralized database of license ordinances and rules is critical to keeping track of various licenses. Additionally, regular communication with licensees about changes in regulation can serve to improve outcomes.

Finding: Licenses Approved Without Proper Signoffs and Missing Paperwork

The dozens of licenses required by the City have varying requirements, which can include insurance certifications, photo identification, permits from other governments (such as a health permit from the County Health Department), and in the case of taxicab drivers – fingerprints and a medical certification form signed by a licensed physician.

Some licenses can be handled directly by the Licensing Coordinator but others require sign offs from the Syracuse Police Department, the Syracuse Fire Department, and/or the Zoning Department.

The audit found far multiple examples of license files either improperly maintained or issued without the proper paperwork. License files were found to be incomplete and missing insurance paperwork, identification, and health permits; some taxicab drivers did not submit fingerprints or medical certifications.

Finding: License Renewal Efforts Don't Go Far Enough But Provide A Significant Opportunity

With licenses expiring annually, one of the most important elements of licensure is the renewal process and ensuring businesses stay compliant under City law. This audit engagement intentionally selected an 18-month window of scope to review the renewal process and understand how the City is maintaining compliance among businesses with existing licenses.

The files provided by the CPO included a renewal letter which was being sent by a prior License Coordinator to businesses whose licenses were about to expire. (Exhibit 39) That employee left the CPO in the summer of 2023 and it was several months before they were replaced. During that period of transition, and in the time since, renewal efforts have been limited.

No license ordinances have language requiring the License Coordinator to send a renewal letter or application to businesses with expiring licenses; however, this low-cost, proactive measure provides a significant opportunity for City government to increase compliance and revenues.

NOTE: In their response to the draft audit report, the administration notified the Office of the City Auditor of their work to now send renewal letters to expiring licensees. The Office of the City Auditor is pleased to see improvements to the renewal process; however, this Office continues to recommend that all city ordinances covering licenses be amended to add this requirement.

Finding: License Approval Times are not Consistent

Every license required by the City requires the applicant to complete an application, and many require additional submittals such as insurance documentation, photo identification, and/or permits from other governments such as a health permit from the Onondaga County Health Department.

Depending on the type of license, the review process can vary from a simple review by the License Coordinator to a complete background check and approval from the Syracuse Police Department.

The audit found that license turnaround time from application to issuance was inconsistent. During a period of transition in the CPO where the license coordinator was being replaced with a new employee, months went by with virtually no license activity. Reviews of some licenses took months. (Exhibit 40)

Finding: The Commissioner Of Finance Is Not In Compliance With Section 5-1(d) Of The City Ordinances

According to Section 5-1(d) of the Revised General Ordinances of the City of Syracuse, the Commissioner of Finance shall provide to a quarterly report to the City Clerk stating the number, location, and type of new entertainment licenses granted by the City during the preceding quarter. In addition, the Commissioner of Finance shall file an annual report with the Clerk summarizing the year's activity concerning entertainment licenses. (Exhibit 41)

The audit found that no quarterly or annual reports regarding entertainment licenses were submitted to the City Clerk during the period under audit. (Exhibit 42)

This, again, speaks to the decentralization of licenses whereby operations are functionally carried out by the Department of Neighborhood and Business Development, but ordinances have not kept up with administrative changes.

Finding: The Director of Code Enforcement is Not in Compliance with Section 27-181 Of The City Ordinances

According to Section 27-181 of the Revised General Ordinances of the City of Syracuse, the Commissioner of Finance shall provide an annual report to the Common Council detailing the number of businesses that have a certificate of use and the number and names of businesses that have had their certificate of use suspended and/or revoked pursuant to the article. (Exhibit 43)

The audit found that no annual reports regarding certificates of use were submitted to the Common Council during the period under audit. (Exhibit 42)

Finding: With No Enforcement Of Waste Hauler Licenses, DPW Decided To Stop Issuing Them

Waste Hauler Licenses are sometimes referred to as permits but per the City budget book, waste hauler licenses are one of the specific revenues which gets accounted for in the City's general "Licenses" account. (Exhibit 44) They are a business license whereby haulers must license their business and register their trucks. Waste hauler licenses are required for private haulers to collect trash in the City. According to law, each individual permit, which must be displayed on hauling vehicles, is charged \$270 on top of the \$150 license fee for the hauling company. (Exhibit 45)

The audit found that these licenses are no longer being issued. This license was issued directly from the Department of Public Works and did not go through the CPO. DPW identified this ordinance as not being enforced and determined the administrative burden was too great to issue them. Instead of transferring this responsibility to the CPO, DPW unilaterally decided to no longer issue these licenses.

Waste haulers drive loud and heavy machinery on City streets and participate in a dirty but necessary function. The waste hauler license ordinance remains in City law.

Finding: The Commissioner Of Finance Has Not Established A Process For Appealing A Revoked, Suspended, Or Denied License

The City Charter Article V, Section 5-807(1) provides that the Commissioner of Finance shall issue licenses and Section 5-807(2) creates procedures for what occurs if a license is refused, revoked, or suspended and provides an applicant the opportunity to have a hearing challenging the ruling. Article V, Section 5-807(3) states that the Commissioner of Finance may establish rules of procedure for hearings. (Exhibit 46)

The audit found some licenses, such as the Vehicle Mobilization (Booting) License and Mechanical Contractors Licenses, have a specific process for an appeal, but most licenses do not. (Exhibits 47, 48)

No evidence that any licenses were refused, revoked, or suspended during the scope of the engagement, but it also found that the Commissioner of Finance has not established any rules or procedures for holding a hearing should it be necessary.

Finding: Towing Operators Excessively Charging, Need Stricter Oversight

According to City ordinance, “in no event” should towing companies charge a fee in excess of \$150.00 (plus applicable taxes) for removal, towing, and storage up to 24 hours with storage costs not to exceed \$40 per day. (Exhibit 49) The City’s former Towing Company application for did not accurately reflect this ordinance and shows a not to exceed amount of \$115 for towing and storages charges not to exceed \$25 per day. (Exhibit 50) An updated application posted to the website during the course of this engagement does not list any maximum amount, allowing the operator to handwrite an amount of their choosing. (Exhibit 51)

The audit found that multiple towing companies either left the charges lines blank, or worse, intentionally crossed out the not to exceed amounts and entered their own values well in excess of the lawful amounts. (Exhibit 52) Despite these changes to the applications, licenses were still issued to these operators. Additionally, operators will post signage in parking lots that detail their towing fees, often in excess of the fees allowed by ordinance. (Exhibit 53)

FINANCIAL

Finding: The City Does Not Have Formalized Policies For The Collection, Safekeeping, And Transit Of Payments Collected Outside Of The City Payment Center

When any individual makes a payment to the City, it is critical those transactions are immediately entered through a cash register and a receipt is provided to the customer. Those funds, with an accounting of their purposes, should accompany a cash report to the City Payment Center for deposit into City accounts daily. Any transmission of cash or checks should be done safely, securely, and with as little risk to City employees as possible.

The audit found the CPC does not have any formal policies for how or when City funds collected by departments need to be routed to the Department of Finance and deposited into City accounts.

After collection, money may not be deposited for up to a week, with payments sitting in a small safe at the CPO. Within NBD alone, at least four employees are collecting payments and sending or delivering money to the CPC for deposit. This task is not completed with consistency and coordination between the various employees.

When payments do are sent to the City Payment Center, located in City Hall, some staff hand-walk payments over while another sends payments via inter-office mail. Inter-office mail envelopes get placed in a mailbox in the otherwise unsecured mailroom at City Hall for eventual collection by Department of Finance staff. Those who walk payments over do not have a consistent process for logging receipt of these funds received by the CPC.

Finding: Account Balancing Practices Only Confirm Bank Account Balances; Reconciliation Of Actual Activity Is Not Completed By Either Department Of Finance Or Individual Departments

The current practice for balancing City accounts is for a Department of Finance employee to confirm the monthly bank statement against the receipts produced by the City cash registers. Any discrepancies are reconciled, and the process is considered complete.

The audit found that neither City accountants nor departmental staff balance or reconcile the register receipts against cash reports or any reports or spreadsheets of the actual activity which generated the revenue. A more complete reconciliation was found from a 2013 file; this practice is no longer being done. (Exhibit 54)

In a review of the general ledger, backup information justifying revenues as shown on cash reports was rarely available. No verification is completed by departments to confirm funds were correctly deposited into the appropriate revenue accounts.

Without backup information and without proper reconciliation, errors on cash reports would be deposited accordingly and never adjusted.

Finding: Not All Revenues Go Directly Through The Bureau Of Accounts

Money generated by any department should be properly documented and recorded and should flow through the Department of Finance into City bank accounts. These revenues, and any associated expenses, should clearly be accounted for on the City's general ledger.

The audit identified that the City Clerk has four bank accounts controlled by the department and not the Department of Finance. Staff from the Clerk's office deposits revenues from dog, marriage, and conservation licenses directly into their bank accounts and then draws a check from each of those accounts and submits that payment to the Department of Finance, where it is deposited into a single City Clerk Licenses account.

Per New York State (NYS) law, the City is required to remit a portion of proceeds from these licenses to NYS. The information provided to the Department of Finance only provides basic counts of revenue received with license type. The backup information does not provide any details to verify payments to NYS are being made accurately and on-time.

Finding: City Licenses Revenue Down \$135,000, More Than 80%, Since 2016

Revenue collected for city licenses used to be a reliable six-figure source of income for the City, with more than \$169,000 collected in the fiscal year ending June 30, 2016. In the years since, however, revenue has steadily declined. The audit recognizes that Covid restrictions resulted in lower revenues for that period but it's clear licensing operations never recovered from that.

The audit found that the City's licenses account is hemorrhaging funds. Regular annual decreases in revenue in excess of 10% demonstrates a concerning trend for this vital City function.

City of Syracuse Licenses Account 425450			
Fiscal Year	Annual Revenue	Year-over-Year % Change	Year-over-Year \$ Change
2015-16	\$169,423.00		
2016-17	\$145,589.00	-14.1%	(\$23,834.00)
2017-18	\$138,112.00	-5.1%	(\$7,477.00)
2018-19	\$110,778.00	-19.8%	(\$27,334.00)
2019-20	\$51,710.00	-53.3%	(\$59,068.00)
2020-21	\$42,775.00	-17.3%	(\$8,935.00)
2021-22	\$47,630.00	11.4%	\$4,855.00
2022-23	\$36,142.50	-24.1%	(\$11,487.50)
2023-24*	\$29,930.00	-17.2%	(\$6,212.50)

*Year to Date (As of June 6, 2024)

Finding: Charges For Bounced Checks (Non-Sufficient Funds Charges) Are A Departmental Choice And Not Assessed Equitably

Whenever someone pays the City with a check which cannot be cashed (bounced check), the City does not incur a fee due to an agreement with the financial institutions to waive those fees for maintaining certain levels of deposits. Despite not paying fees, the City does incur administrative expenses as they take steps to reverse the payment and update records to show the proper account balance. Many private organizations choose to pass on any banks fees resulting from bounced checks, plus added charges for the administrative burden.

The audit revealed that non-sufficient funds (NSF) charges (bounced check fees) are not consistently charged across the City with the Department of Finance indicating these are a "departmental choice" with some departments electing to ignore the charges.

Finding: Few Official Waiver Policies Exist; Some Events Do Not Pay Fees

Licenses and permits are established to protect the health and safety of the public and protect the integrity of games of chance. These permissions have associated costs which reflect the administrative

efforts required to review, issue, and enforce those permits and licenses. Any waivers of fees should be based on a policy.

The audit found that Peddlers and Solicitors have statutory waivers for “any honorably discharged service-member who has procured a license as provided by the General Business Law of the state of New York, who is disabled as a result of injuries received while in the military service of the United States and who has otherwise complied with Section 32 of said General Business Law.” (Exhibits 55, 56) No other licenses or events have ordained waivers of fees. The audit revealed, however, that it was commonly accepted practice to not charge the St. Patrick’s Parade committee the prescribed fees for holding the annual St. Patrick’s Day parade downtown each March.

Without formal legislation waiving charges, these fees are required to be paid. Legislators and the administration should seek to formalize waiver policies and procedures to ensure compliance.

Finding: City Inter-Office Mail Distribution May Be Partially to Blame for Licensing Delays

The United States Post Office delivers mail directly to departments in City Hall and a small mailroom located on the first floor of City Hall is used by departments to transfer mail from one department to another. Mail which is incorrectly delivered or for another department often gets placed in the correct department’s mail slot in the mail room.

The audit found that a mailbox in that mailroom marked “Licensing” is not checked on a regular basis. (Exhibit 57) A regular review of this mailbox shows it commonly contains uncollected mail for weeks at a time, including Certified Mail and other items which appear to contain applications and payments. Failure to collect mail in a timely manner appears to be a common practice among offices with locations not at City Hall.

License applications as of 2014 should be directed to the Central Permit Office, but outdated license applications available online along with past mailing practices may cause mailings for licenses to be sent to the Commissioner of Finance. A simple letter proactively informing current license holders of the CPO’s change of address could alleviate that problem.

Finding: The City Has No Dedicated In-House Expert For Their Financial Software

The City of Syracuse uses more than 100 software programs which assist city staff in carrying out their responsibilities. One of the most important software programs, PeopleSoft, is the City’s general accounting software.

The audit found that the City does not have a dedicated in-house expert for that program, instead relying on Onondaga County staff to generate special reports, troubleshoot issues, and address program changes. Often, working on City issues becomes a lower priority than working on County issues.

Officials felt a dedicated enterprise lead or subject matter expert, who is a City employee, would benefit City operations and help address many of these issues.

Neighborhood Corridor Industry and Inventory Analysis

OCTOBER 2019

SUBMITTED TO:

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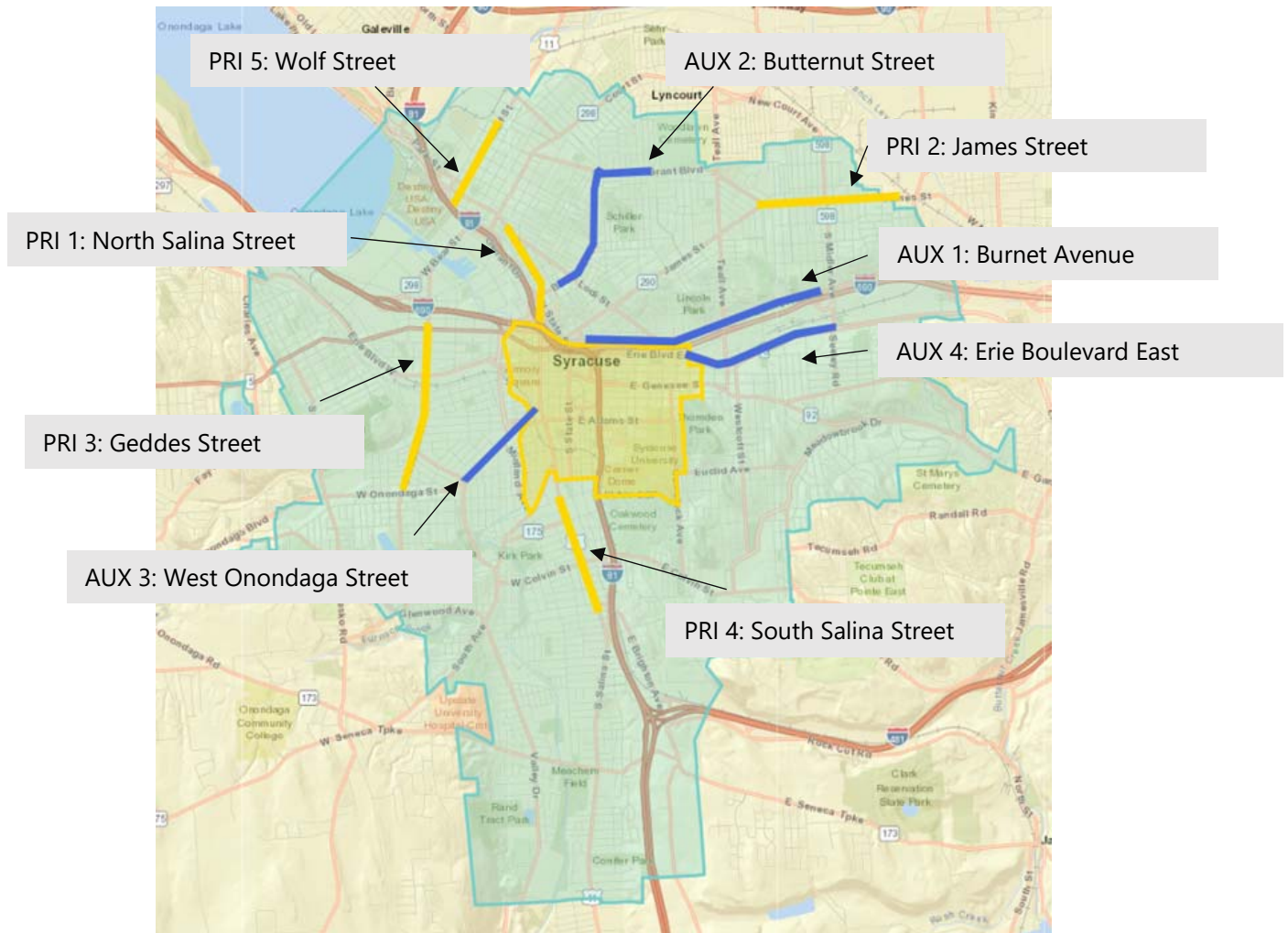
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CAMOIN 310 & STREETSENSE

THE COMMERCIAL CORRIDORS

The City of Syracuse has identified nine commercial corridors for redevelopment; five of which are priority corridors (labeled PRI, see map below) and four of which are auxiliary (labeled AUX). In addition to these nine commercial corridors, this analysis will also examine the Central Core of the city. This area follows the outline of Census Tracts 32, 34, 42, 43.01 and 43.02.

Study Areas – City of Syracuse Neighborhood Corridor Industry and Inventory Analysis



TRADE AREA METHODOLOGY

In studying the corridors, each had a unique set of characteristics and surrounding physical conditions that made using traditional methods of retail analyses, rings, buffers, and drive times unfit. Specifically, highways parallel to a few of the corridors serve as a physical and psychological boundary to potential customer sales, especially as competition continues to grow in the Central Core, at Destiny USA, and elsewhere regionwide.

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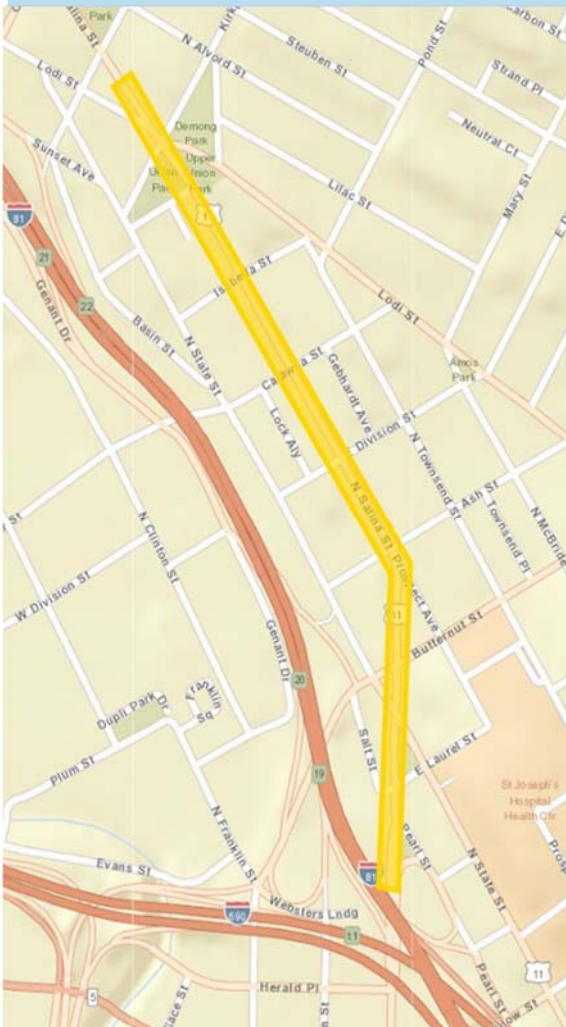
COMMERCIAL CORRIDOR PROFILES

The following section presents individual characteristics by Commercial Corridor to demonstrate the defining features of each area.

PRI 1: N. SALINA STREET

North Salina Street At-A-Glance

Walk Score:	90
Transit Score:	57
Bike Score:	58
HHs without Cars:	44%
Traffic Counts:	6,100



(From I-81 to Lodi Street)

PHYSICAL ENVIRONMENT⁸

There are few places in the region where living without a car is an option, and North Salina Street is one of them. Fully 44% of households do not own a car. North Salina Street is among the most pedestrian-friendly streets in the entire city. With a Walk Score of 90, it is considered a “Walkers Paradise”. The Street boasts excellent proximity to downtown and a built form that caters to pedestrians over cars (reflected in numerous zero lot line buildings and few to no curb cuts along major portions of the street). The cluster of mixed-use buildings offers a diversity of business offerings that make it an appealing place to live, work, and play.

Transit and bike scores for North Salina are below 60, like those found across the city, despite having the lowest rate of automobile ownership of any of our study areas. Improving alternative modes of transit in this neighborhood would not only improve the quality of life for those already living without an automobile but also enable others to reduce or eliminate their automobile usage as well.

Other observations include:

- ◆ Past investments include buried utility lines and period fixtures with both automobile and pedestrian lighting
- ◆ Few curb cuts to disrupt the pedestrian experience
- ◆ Strong built form reflected in its historic brick, mixed-use buildings
- ◆ Wide sidewalks to accommodate pedestrians and merchandising from retailers, including outdoor dining
- ◆ There are street trees, but the tree pits do not have protective tree guards.
- ◆ There is paid on-street parking, which encourages turnover
- ◆ The width of the street enables angled parking in some locations

⁸ Walkscore.com

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- ◆ There is no bike lane and limited to no bike infrastructure (bike corrals or racks)
- ◆ There are historic commercial signs painted on the side of some brick buildings. These add character and a sense of history to the street.

BUSINESS ENVIRONMENT

North Salina Street is a north/south thoroughfare located immediately to the north of Downtown Syracuse that has evolved over time to meet the needs of the broader community – both residential and businesses. It is categorized as a “Community Shopping Area” that serves a larger area and offers comparison shopping.

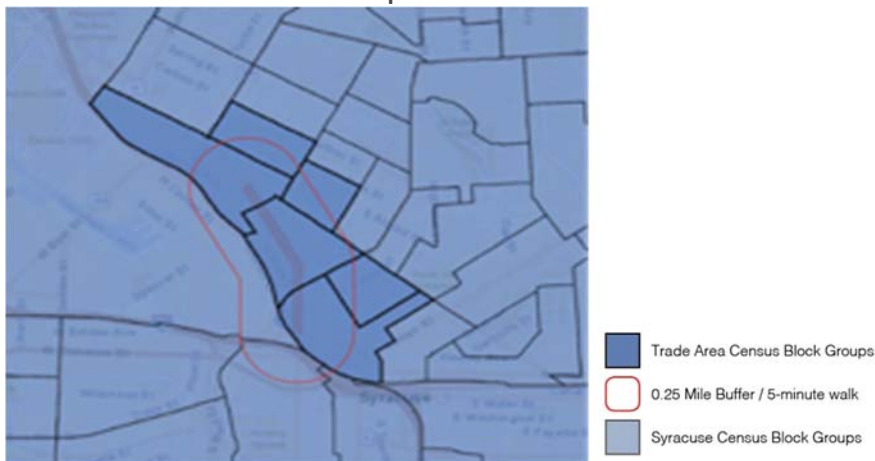
The area is further differentiated from the other Community Shopping Areas by its unique mix of diverse, high-quality ethnic businesses that draw from the broader region. In the category of Food Services & Drinking Places, the area could be further described as a regional destination. The offerings include international cuisine from Italy (Francesca Cucina, 4.6 Google Stars), Ethiopia (Habiba’s Kitchen, 4.6 Google Stars); the Caribbean (Mr. Biggs, 4.3 Google Stars), and Vietnam (Ky Duyen, 4.5 Google Stars). Enhancing and building upon the strength of this cluster would help these local businesses and create a heightened demand for their offerings.

MARKET DATA & DEMOGRAPHICS

TRADE AREA

The North Salina study area, spanning from I-81 at the south to Union Place at the north end of the corridor, runs nearby parallel to I-81 with few road connections across to the Lakefront neighborhood. The trade area responds to this limited connectivity and differentiated neighborhood typologies. Census Block Groups (west of I-81) were not included, although they lie within the .25-mile buffer of the corridor. The trade area included encompasses St. Joseph’s Hospital Health Center, commercial and industrial uses along the corridor and lining I-81, and residential uses. Note, retail along Butternut Street is within the trade area, and data assessed throughout this section includes this cluster, although it is outside of the study area.

North Salina Street Trade Area Map



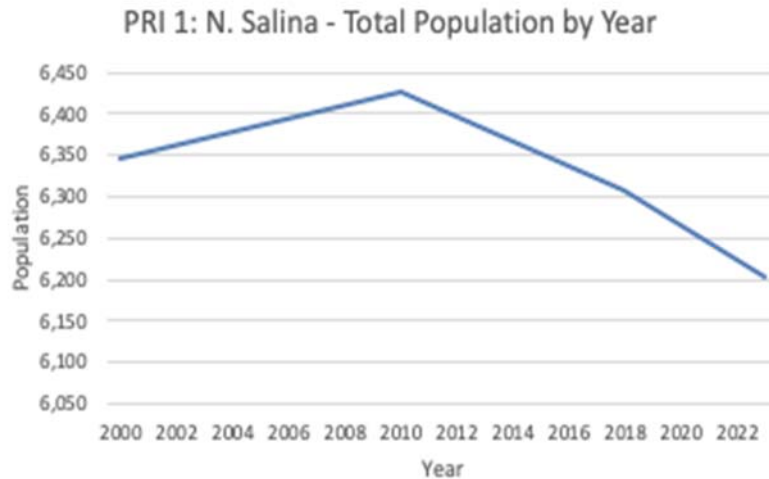
Source: City of Syracuse Open Data Portal

CAMOIN 310 & STREETSENSE

RESIDENTIAL ANALYSIS

POPULATION GROWTH & DENSITY:⁹

- ◆ The residential population in North Salina's trade area has decreased since 2010 and is currently estimated at 6,309 (ESRI Report; 2018 estimates). This trend is projected to continue over the next 5-year period and by 2023 is projected to decline by 1.7% or 107 people annually.
- ◆ Currently, population density along N. Salina is 10,515 people per square mile, the second-highest among other neighborhood commercial corridors, behind Butternut, which is adjacent to the N. Salina study area. The corridor's rank is a factor of the industrial and commercial footprint that lines I-81.



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:¹⁰

- ◆ The largest cohort of residents are working-aged Millennials and Gen Xers, a characteristic ideal for retailers who look for discretionary income as an indicator. However, median household incomes are nearly \$9,000 lower than the city's (\$31,973).
- ◆ Residents in the area surrounding the commercial corridor are diverse, with a mix of old and new American citizens. 38.4% identify as White, 26.8% Black/African American, 22.7% Asian, and 8.8% Hispanic. This diversity is further demonstrated by the comparatively low percentage of households that only speak English at home (63.9%). The growth of ethnic retailers in the corridor matches the diversity of the trade area's residential profile, serving their ethnicities' needs and growing as a destination for others through the city and region.
- ◆ Educational attainment is low, with 34% having no high school diploma and only 16% with a bachelor's degree or higher. Low educational attainment has been found to limit long term income growth and therefore limit the ability to increase their expenditures and support retailers nearby.
- ◆ Most of all, housing units are renter-occupied (70%), and of those renters, approximately half have a car. These statistics underscore how the walkable character of the corridor is optimal for retailers to attract a local population. There is a large percentage of housing units that are vacant (20%) and a small percentage of owner-occupied (10%).

⁹ ESRI, Retail Marketplace Profile (July 2019)

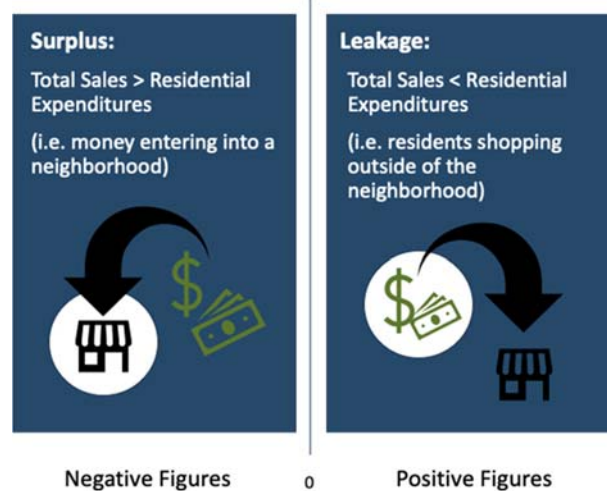
¹⁰ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

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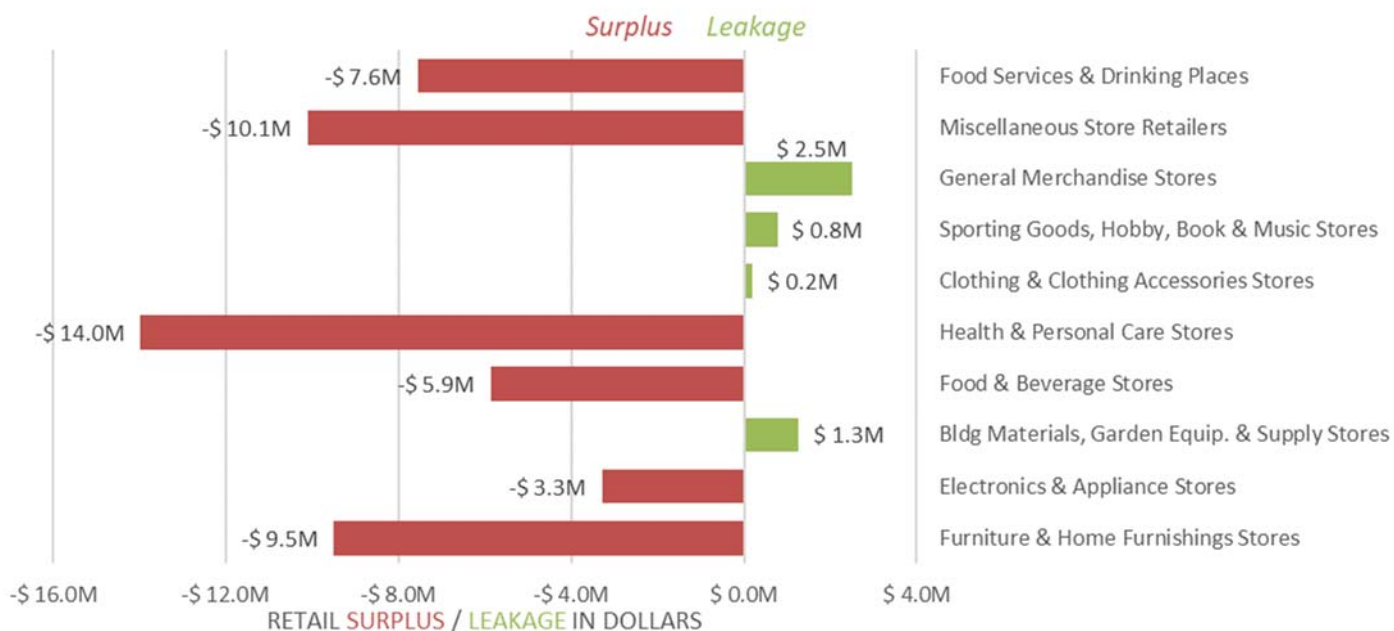
- ◆ Additionally, households in the trade areas surrounding N. Salina are the largest (3.02), 48.5% of which have children.

RETAIL GAP¹¹

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ North Salina has a surplus in sales, meaning the sales at retailers in the trade area exceed the expenditures by residents. Categories with a gap in sales are primarily in the General Merchandise, Apparel, Furniture, and Other (GAFO) category. This category is well-represented at Destiny USA and is at most risk to competition by e-commerce. Note, the retail leakage analysis includes sales at retailers along Butternut Street, which includes Save A Lot, Rite Aid, Kinney Drugs, and Dollar General, among other retailers.
- ◆ There is a \$7.875 million surplus in Restaurants and Other Eating Places, which are numerous on the North Salina corridor. This surplus indicates a market differentiator - populations see the corridor as a dining destination.



PRI 1: N. Salina - Retail Gap by Category



¹¹ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE**EMPLOYEE ANALYSIS**

Employees nearly mirror the residential population count at 6,525 total employees, primarily in the healthcare sector.¹² According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For North Salina, that equates to over \$39 million in expenditures.¹³

Although the hospital is the primary employee generator, expenditures by medical staff and office staff likely differ. Medical staff are allotted a few shorter breaks through the workday and typically stay on campus, while office workers have greater flexibility. Off-campus spending behaviors are also inhibited by the limited physical connections between the medical campus and the corridor's retail offerings. The ability to increase retail sales will rely on improving these connections and increasing the offering to compete with food options on campus.

VISITOR ANALYSIS

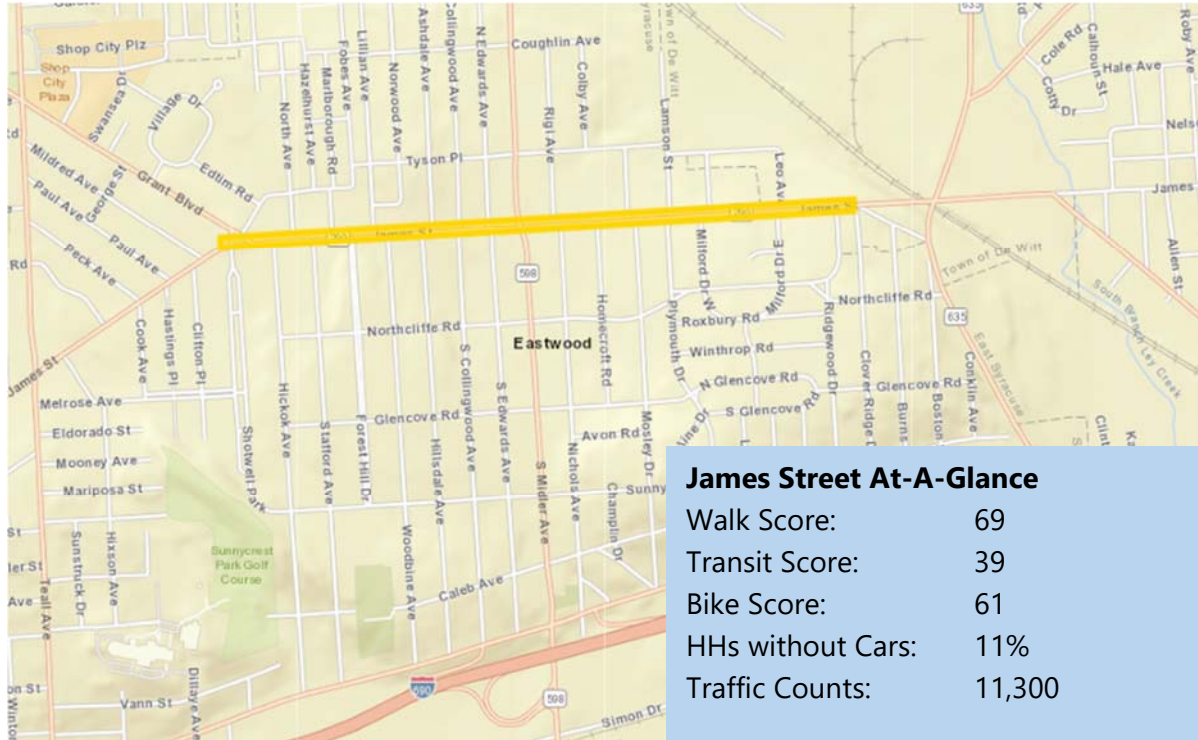
When combined with residential expenditures, there is still a surplus in sales, indicating that other populations patronize businesses in the trade area. It is assumed that most of these excess sales can be attributed to residents in the surrounding neighborhoods outside of the trade area that is coming to Butternut Street for items in the Neighborhood Goods and Services category, and/or residents and hospital visitors from the greater region patronizing the ethnic restaurants along North Salina.

¹² US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

¹³ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

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PRI 2: JAMES STREET

PHYSICAL ENVIRONMENT¹⁴

Overall, James Street has a relatively strong walkable environment, reflected in its Walk Score of 69 – “Somewhat Walkable” and Bike Score of 61.

The area is marked by two distinct micro-climates, each with different urban forms. Between Homecroft and Grant Boulevard, James Street is marked by a relatively dense, prototypical urban form with many zero Lot line mixed-use buildings. To the West of Homecroft, the built form becomes more “suburban” and residential.

Other observations include:

- ◆ Above ground utility lines and roadway lighting only. There are no pedestrian lights along the street
- ◆ There is no bike lane and limited to no bike infrastructure (bike corrals or racks)

Between Grant and Homecroft:

- ◆ While there is a legacy-built environment that favors walkability, there remain significant areas where the built form breaks down. For example, on the North side of the Street between Stafford Avenue and Forest Hill Drive, there are several automobile-oriented commercial businesses with front parking lots (including a Mobile gas station). There are multiple curb cuts along these stretches.
- ◆ Between North Avenue and Marlborough, there is an attractive, well-maintained office building (2425 James Street) with no ground-floor retail and a single retail store (Books Ends Bookshop) along the entirety of the block. The building was constructed to give the impression that it hosts commercial activity, but upon closer

¹⁴ Walkscore.com

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observation, the windows are dark, and there are no entrances save for the main entrance to the building. Moreover, this side of the street also has no street trees, despite having the width to accommodate them.

- ◆ With limited exceptions (buildings on the North Side of the Street between Ames Street and Marlborough Road, and the buildings on the South side between Woodbine Avenue and Hillsdale Avenue), street trees are absent.
- ◆ Where there are trees, the tree pits are missing tree guards that protect them from damage.
- ◆ An ornamental strip of brick was added to the street many years ago as an improvement, but the strip is unevenly maintained and serves to narrow the width of the sidewalk, reducing opportunities for outdoor dining or merchandising by retailers. Maintenance of the strip is required - grass and weeds are growing between the bricks in many locations. Some businesses have maintained the strip very well.

Between Homecroft and Thompson:

- ◆ Setbacks, vegetation, and lawns along this section of James reflect post-war construction and the end of the traditional commercial district. Commercial activity picks up again at West Milford Drive.
- ◆ Eastwood Plaza is in this section and includes a Dollar General and a popular local coffee shop.
- ◆ Between Eastwood Plaza and Thompson Road, there is intermittent commercial activity made up of free-standing commercial buildings (i.e. Friendly's). Each of these individual buildings has curb cuts to accommodate small parking lots.
- ◆ Immediately to the East of our study area, there is a Wegmans.

Other Observations:

- ◆ Over 10,000 average daily vehicles travel the street, making it a relatively strong location for convenience staples and chain stores, including Walgreens, Friendly's, and Dollar General.

BUSINESS ENVIRONMENT

James Street is an east/west thoroughfare in the northern section of Syracuse that focuses on the needs of neighborhood residents. It is categorized as a "Neighborhood Shopping Center" that serves the local community – including a small node of commercial offices – with a mix of convenience-oriented goods and services.

Immediately to the East of our study area, there is a Wegman's grocery store, which serves as a regional draw that draws from the greater trade area for its customers. However, the Wegman's is a stand-alone offering that does not result in cross-shopping along James Street.

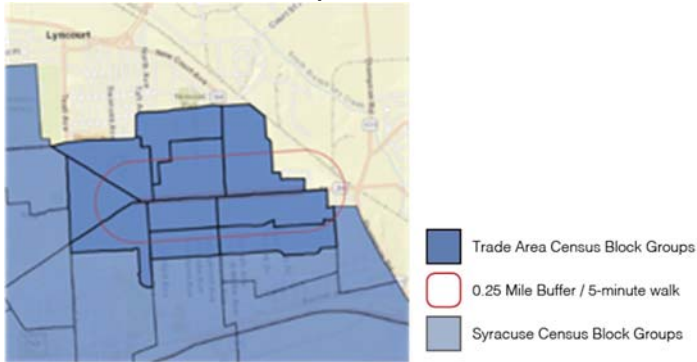
MARKET DATA & DEMOGRAPHICS

TRADE AREA

For this report, James Street is studied from Eastwood Road to Leo Avenue, the City's northeastern-most boundary. The neighborhood is well connected to surrounding residential areas with exception to the rail line that lies east and north of the corridor and disconnects the street grid from neighborhoods outside of the city. For this reason, the Census Block group that lies outside of the city's boundaries was not included in the study, as no residential population exists in the block immediately northeast of the boundary.

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James Street Trade Area Map

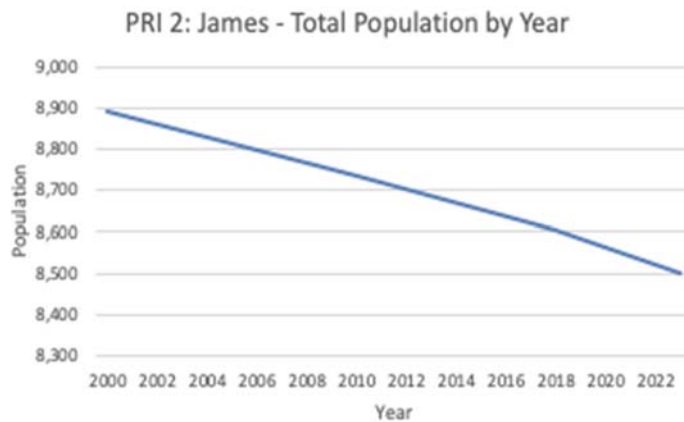


Source: City of Syracuse Open Data Portal

RESIDENTIAL ANALYSIS

POPULATION GROWTH + DENSITY:¹⁵

- Population growth around James Street has historically declined and is projected to continue to decline during the next five-year period. Currently, the population is estimated at 8,605 and projected to shrink to 8,502 by 2023, according to ESRI.
- Density in the neighborhoods surrounding James Street is fair at 8,436 residents per square mile, consisting of mostly single-family homes and a few multifamily buildings.



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:¹⁶

- In comparison to the City, residents of the Census Block Groups surrounding James Street skew older, with a larger distribution of the population 25+ (72.3%) than the City (60%). The majority of the 25+ population are in the 25-44 cohort (31.4%) which is a sign of potential growth in families and household income over time.
- The older population surrounding James Street contributes to the higher median household income in the neighborhood in comparison to the City and the trade area of all other neighborhood corridors studied.

¹⁵ ESRI, Retail Marketplace Profile (July, 2019)

¹⁶ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July, 2019)

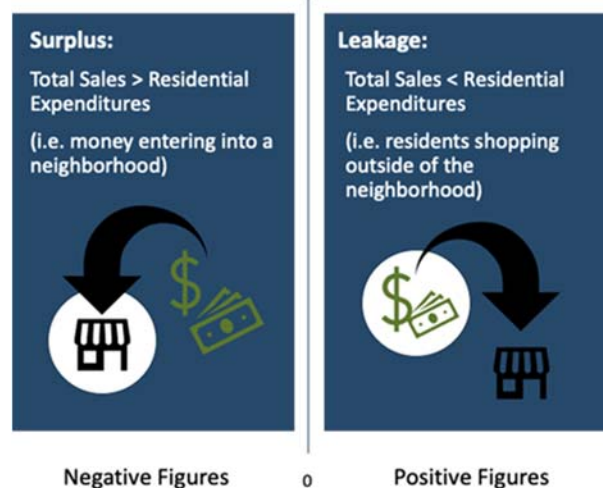
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James Street's median household income is estimated at \$40,971 and is expected to grow to \$48,824, an additional 19% over the next five years, the greatest growth rate of any area studied, including Onondaga County and the Central Core's Census Tracts. Higher incomes also offer economic mobility demonstrated by the sizeable share of the population in owner-occupied units (44%), the highest of any study area in this report. The corridor is also characterized by a low percentage of vacant housing units (7%) in comparison to other neighborhood commercial corridor trade areas.

- ◆ Pairing with a relatively high median household income, educational attainment rates are the highest of the neighborhood commercial corridors studied, with approximately 32% of residents earning a bachelor's degree or higher. Another 35% has obtained some college education.
- ◆ Less diversity exists in this neighborhood in comparison to other corridors studied; over 70% of the corridor's population identify as White; 31% Black/African American; and 12% Hispanic. The large white population combined with the high educational attainment and household incomes demonstrate the disparity in economic outcomes by race in the City. Regardless of race or ethnicity, 91.7% of the population speak only English at home.
- ◆ Households are approximately 2.06 people in size, smaller than most corridors studied and the city overall. This rate is attributed to the single householders (41%), and the few households with children (24.4%). At this small household size, the earnings per capita are even higher than in other corridors.

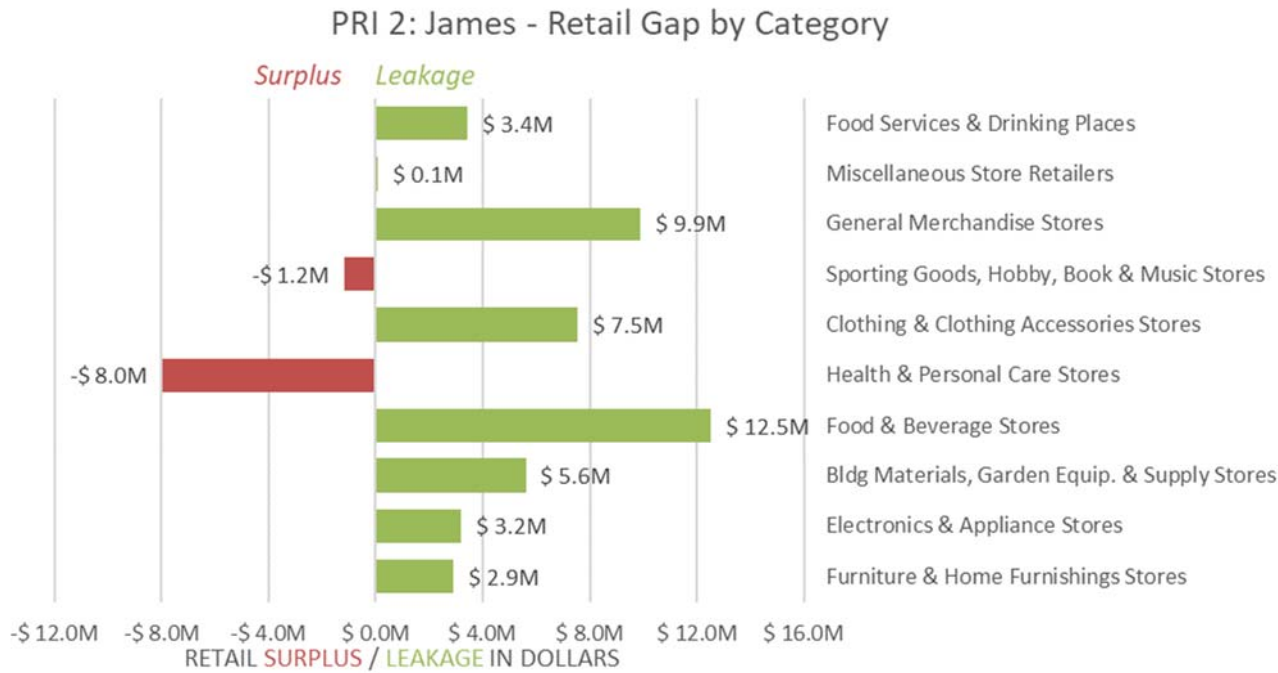
RETAIL GAP¹⁷

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ James Street trade area has a gap in sales, meaning the sales at retailers in the trade area are below the expenditures by residents. Many of the categories are well represented outside of the corridor at Shop City Shopping Center, Wegman's, Walmart, and other nearby retailers. The gap in sales in the General Merchandise, Apparel Furnishings, and Other (GAFO) category is likely going to suburban shopping centers and Destiny USA.
- ◆ Categories with a surplus, or more sales at retailers than expenditures by residents, are in the Beer, Wine and Liquor Stores, Health and Personal Care Stores, Books, Periodical and Music Stores, and Other Miscellaneous Store Retailers subcategories. These retailers are well represented along the corridor by Kinney Drugs, Books and Melodies, Books End, and other convenience stores.
- ◆ There is a \$3.445 million gap in the Food Services & Drinking Places category, providing an opportunity to serve nearby residents with additional food options.



¹⁷ ESRI, Retail Marketplace Profile (July 2019)

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EMPLOYEE ANALYSIS

In the James Street trade area, there are approximately 1,884 employees, a small portion of the potential customer base with an employee to resident ratio of 22 employees per 100 residents.¹⁸ A comparably large share (26%) of employees age 29 or younger exist on the corridor. According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For James Street, that equates to over \$11.3 million in retail expenditures.¹⁹

¹⁸ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

¹⁹ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

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PRI 3: GEDDES STREET**PHYSICAL ENVIRONMENT²⁰**

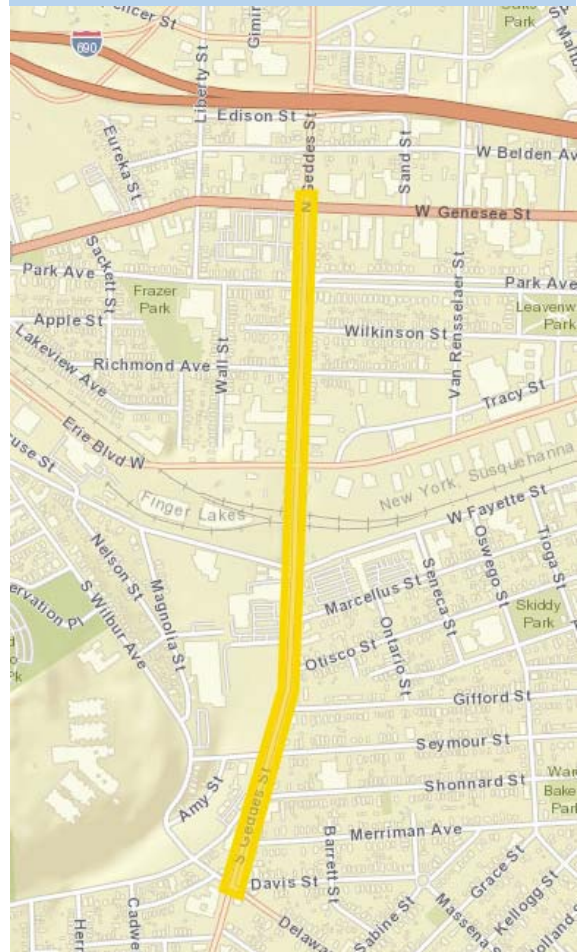
The street is a mixed bag of zero lot line pre-war buildings combined with post-war automobile-oriented development with numerous curb cuts, which is reflected in its walk score of 78, "Very Walkable". Moreover, 30% of residents do not own cars, making transit, pedestrian and bike improvements critical to the quality of life.

Geddes Street Study Area

- ◆ Above ground utility lines and roadway lighting only. There are no pedestrian lights along the street
- ◆ The sidewalks are generally in good condition, with an ornamental brick strip that needs some maintenance and weed removal.
- ◆ Along the entire length of Geddes, there are few safe places to cross the street. During our observation, we noted people jogging across the street mid-block during lulls in traffic. This is an unsafe condition that is further exacerbated by the fact that the bulk of the residential neighborhood lies to the West of Geddes, but the most significant commercial offering (Geddes St Plaza) lies on the West side of Geddes. Most residents, therefore, will elect to cross mid-block.
- ◆ Many businesses lack transparency into their stores, and some have permanent bars on the interior of their windows. While issues of crime and safety are a concern in the area, these crime prevention strategies have can also have the effect of scaring off new customers and further reinforcing perceptions about neighborhood crime and safety.

Geddes Street At-A-Glance

Walk Score:	78
Transit Score:	42
Bike Score:	63
HHs without Cars:	30%
Traffic Counts:	7,500

**Between W. Fayette St. and Delaware Street**

- ◆ Street trees planted intermittently. The City seems to have undertaken recent tree care along portions of South Geddes. Several empty tree pits require planting and sections along Geddes have no trees.
- ◆ There is a bike share station located along West Fayette at the intersection of Geddes, but there are no dedicated bike lanes along the four-lane street (reflected in the bike score of 63) and no visible bike infrastructure (bike corrals or racks)
- ◆ Important intersections, such as the triangular intersection where Grand Avenue meets South Geddes, have confusing and counterintuitive crosswalks that prevent pedestrians from crossing the shortest distance

²⁰ Walkscore.com

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between the node of businesses along Grand Street and the node along S. Geddes Street, effectively undermining the ability of residents to patronize both sides of the street safely.

BUSINESS ENVIRONMENT

South Geddes is an important north/south thoroughfare and serves a larger area, as well as residents. It is categorized as a "Community Shopping Center" that offers some comparison shopping. There are numerous isolated nodes of businesses along the corridor.

Between W. Genessee St. and W. Fayette St.

- ◆ One node, Geddes Street Plaza, is anchored by a Save-a-Lot and a Family Dollar. These businesses meet the needs of residents, many of whom are lower-income and seek value-oriented retailers for their daily convenience needs.

Between W. Fayette St. and Delaware Street

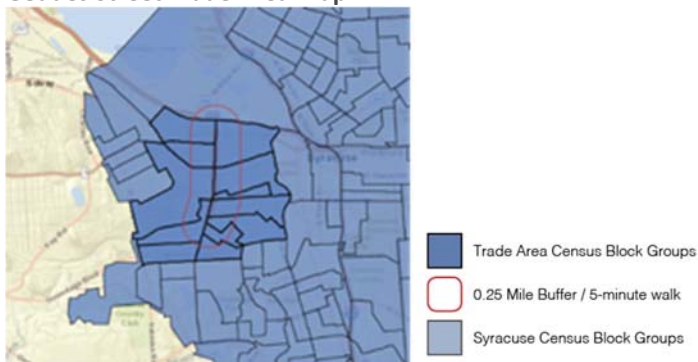
- ◆ At the intersection of S Geddes and W Fayette Street is another interesting intersection worthy of note. Large pre-war industrial buildings, some of which have been redeveloped and now house high-quality new businesses (Ponchitos Taqueria, 4.4 Google Stars), and high-quality murals speak to an emerging renaissance at this location.
- ◆ One small node of Caribbean themed businesses located at the intersection of Grand Street and South Geddes. There is an older, prominent pre-war building on the West side of South Geddes between Shonnard St and Merriman Avenue. While the upper floors seem vacant (and reflect a good opportunity for redevelopment) the ground floor hosts a robust set of offerings, including a high-end sneaker store (The Sneaker Cartel, 4.6 Google Stars), a Puerto Rican themed gift shop (La Tienda, Unlisted), and a barbershop (Caribena's Barber Shop, Unlisted). Across the Street is an abandoned gas station on the triangular plot of land between Grand and Geddes. On Grand, there is a Puerto Rican diner (Don Juan Café Restaurant, 4.5 Google Stars).

MARKET DATA & DEMOGRAPHICS

TRADE AREA

Geddes Street's commercial corridor, for this report, extends from Delaware Street as the southern boundary up north to W. Genessee Street. All surrounding Census Block Groups were included as the trade area for the corridor, except for the Lakefront neighborhood, north of I-690. The highway serves as a psychological boundary for customers, additionally the character of the neighborhood changes once one crosses the underpass.

Geddes Street Trade Area Map



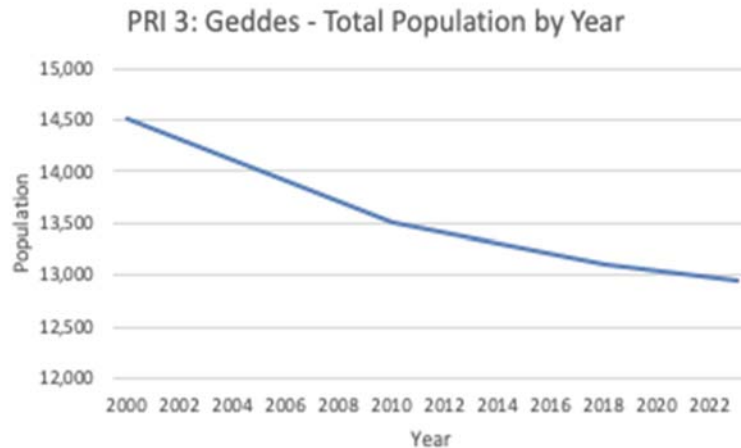
Source: City of Syracuse Open Data Portal

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RESIDENTIAL ANALYSIS

POPULATION GROWTH + DENSITY:²¹

- ◆ Geddes Street's population experienced a decline of -6.9% between 2000 and 2010 and has since curbed its decline to -2.9% (2010-2018). In the next five years, population growth is expected to continue declining, but at a lesser rate of -1.2%.
- ◆ The population density in the neighborhood surrounding the corridor, although higher than the City as a whole, is lower than most other neighborhood commercial corridors studied. It is currently observed at 5,727 people per square mile.



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:²²

- ◆ Residents nearby Geddes Street skew younger than the city average. Approximately 25.7% of the residents are under the age of 15, the second-largest cohort (28.1% of the population is ages 25-44). The majority of the households are family households (55.8%) and 40.1% have children under the age of 18 in the house.
- ◆ Household incomes are lower than the city average with growth estimated at 11% in the next 5 years. Currently, the median income is estimated at \$26,038 and projected to grow to \$28,915, a figure still under the City's projected 2023 average (\$34,451).
- ◆ The lower incomes are likely a factor of low educational attainment; only 15% of the population has a bachelor's degree or higher.
- ◆ The neighborhood is diverse, with 40.2% identifying as White, 35.7% Black/African American, 12.3% another race, and 29.6% Hispanic. The sizable Hispanic population contributes to 12.5%, which is bilingual, speaking English and Spanish at home.
- ◆ Overall, renter-occupied housing units are prevalent (63%); while owner-occupied and vacant housing units represent nearly the same share at 19% and 18%, respectively.

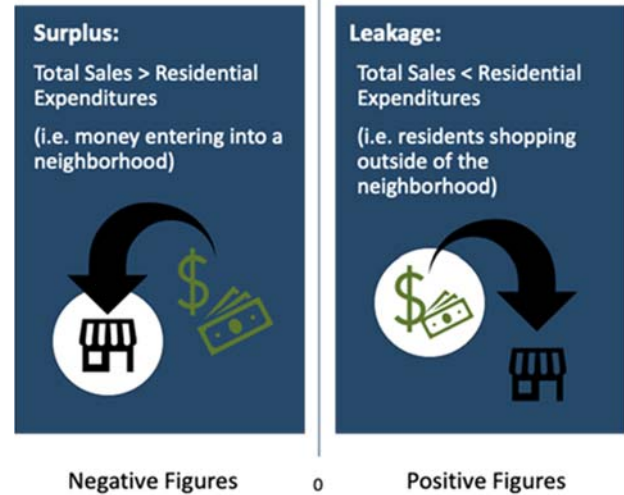
²¹ ESRI, Retail Marketplace Profile (July 2019)

²² ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

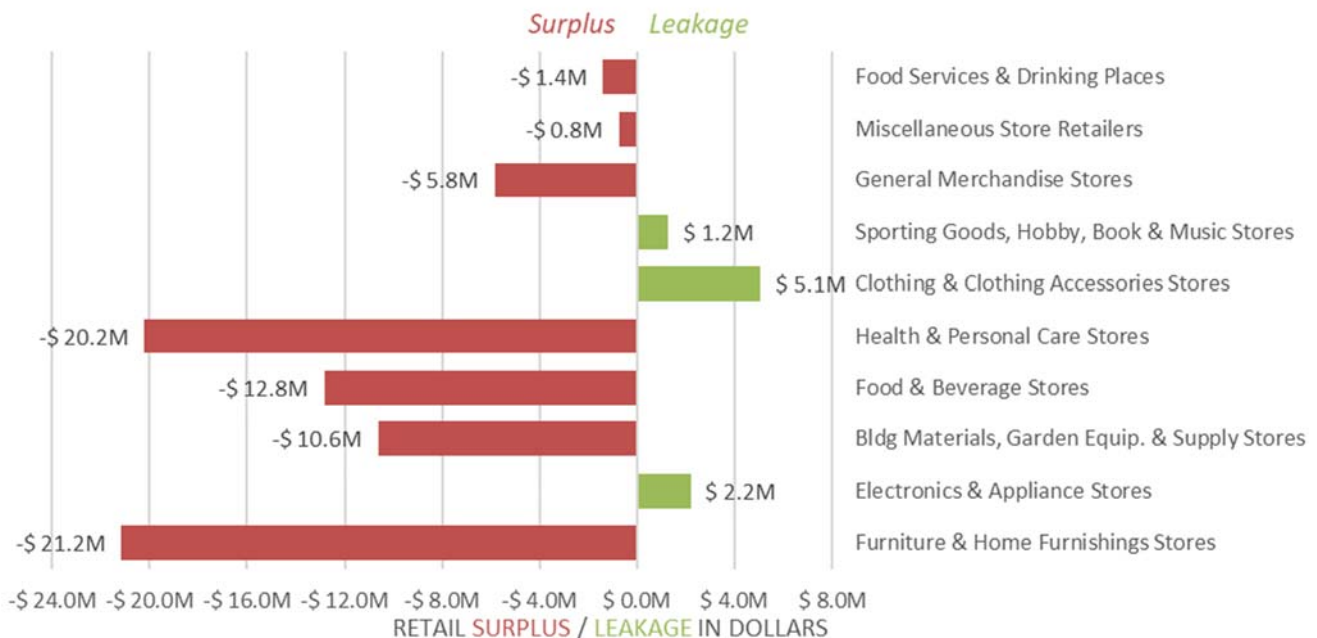
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RETAIL GAP²³

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ Geddes Street trade area experiences a \$64.3 million surplus in sales, meaning the sales at retailers in the trade area exceeds the expenditures by residents. This condition is built by the numerous retailers along Geddes, which serve the larger neighborhood such as Aldi, Dollar Tree, and Ponchito's Taqueria, among others.
- ◆ Categories with a gap in sales are primarily in the General Merchandise, Apparel, Furniture, and Other (GAFO) category - Electronics and Appliance Stores, Clothing and Clothing Accessories Stores, and Sporting Goods, Hobby, and Musical Instrument Stores. A gap also exists in the Florists subcategory, a retailer that primarily relies on nearby populations and convenience.



PRI 3: Geddes - Retail Gap by Category

²³ ESRI, Retail Marketplace Profile (July 2019)

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EMPLOYEE ANALYSIS

In the Geddes Street trade area, there are approximately 7,199 employees with an employee to resident ratio of 55 employees per 100 residents. This means for one employee, nearly two residents serve as the immediate customer base for the corridor.²⁴ According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For Geddes Street that equates to nearly \$43.3 million in retail expenditures.²⁵

VISITOR ANALYSIS

Visitors to Geddes Street are likely customers from the larger neighborhood and the region patronizing the retailers on the corridor as well as the automobile dealerships. There are approximately 21 million dollars in sales above residential and employee expenditures.²⁶

²⁴ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

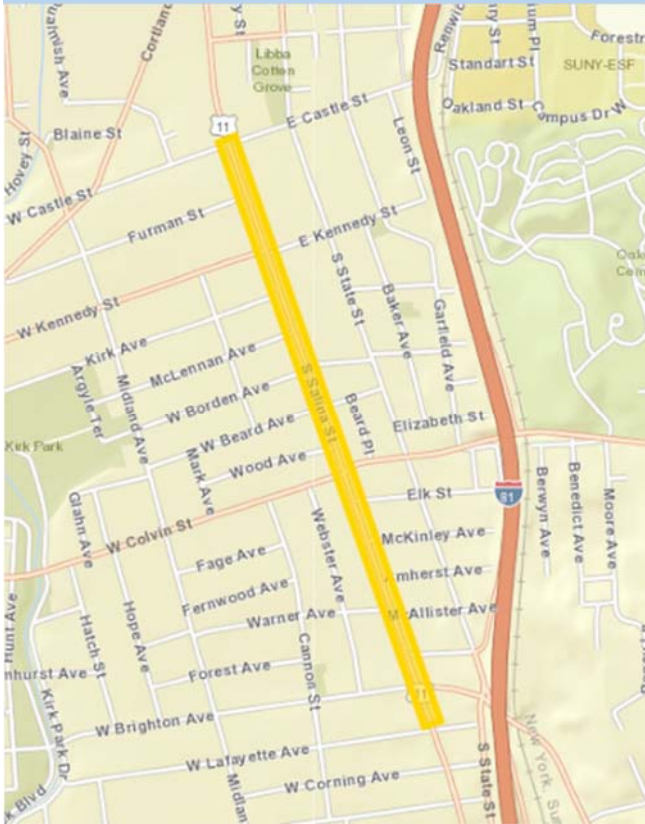
²⁵ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

²⁶ ESRI, Retail Marketplace Profile (July 2019)

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PRI 4: SOUTH SALINA STREET**South Salina Street At-A-Glance**

Walk Score:	65
Transit Score:	45
Bike Score:	64
HHs without Cars:	22%
Traffic Counts:	9,500

**PHYSICAL ENVIRONMENT²⁷**

South Salina is an automobile-oriented corridor, as reflected in its walk score of 65 – the second-lowest walk score of any study area.

Other observations include:

- ◆ Numerous vacant, brick, pre-war buildings in need of redevelopment (notably 2625 South Salina and 2520 South Salina)
- ◆ Above ground utility lines and roadway lighting only. There are no pedestrian lights along the street
- ◆ With very limited exception, there are no street trees
- ◆ Wide curb cuts that serve large parking areas (Deb's Convenience Store, 2412 South Salina Street is one example)
- ◆ In some locations, concrete sidewalks are missing, and have been entirely covered in asphalt (Mavis Discount Tire, 2520 S. Salina and the entire East side of S. Salina between McKinley Avenue and Amherst Avenue). The missing sidewalk gives drivers the impression that the sidewalk is part of the parking lot, and in several instances, cars parked in the pedestrian right of way.
- ◆ The traffic counts are just shy of the 10,000 ADT threshold. It is a busy street but not quite busy enough to attract a cluster of national tenants who require greater visibility than the street currently offers.

BUSINESS ENVIRONMENT

South Salina is a north/south thoroughfare and generally includes a set of retail offerings that are focused on the needs of neighborhood residents. It is categorized as a "Neighborhood Shopping Center" that serves the local community area and offers convenience goods and services.

A recently closed Food Cooperative (Eat to Live, 2323 South Salina Street) is an interesting business of note. The cooperative opened in 2013 was closed owing to self-described low sales volume. It had offered residents fresh affordable food in an area that is lacking in fresh food options. The cooperative was run by a local non-profit, Southside Community Coalition, in a newly renovated 3,000 square foot building. While it is difficult to determine

²⁷ Walkscore.com

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what exactly led to low sales volume, which may or may not have been related to structural management and operating issues, limited residential demand can make it difficult to keep the doors open and remain profitable.

The one exception to the above categorization is in the category of “Furniture and Home Furnishings”. South Salina is home to a popular and physically prominent regional furniture showroom (Dunk & Bright, 4.5 Google Stars) that draws from the greater Syracuse metropolitan area.

MARKET DATA & DEMOGRAPHICS

TRADE AREA

South Salina Street was studied from West Kennedy Street to West Brighton Avenue. The trade area/Census Block Groups are nearly a perfect fit with the 0.25-mile buffer from the corridor. Census Block Groups that lie across I-81 on the southeastern border were not included in the trade area, as the neighborhood character changes once one traverses the underpass. This condition is joined by the fact that once customers exit the highway, they choose to go towards Salina or in the other direction, separating the trade areas of each corridor.

S. Salina Street Trade Area Map



Source: City of Syracuse Open Data Portal

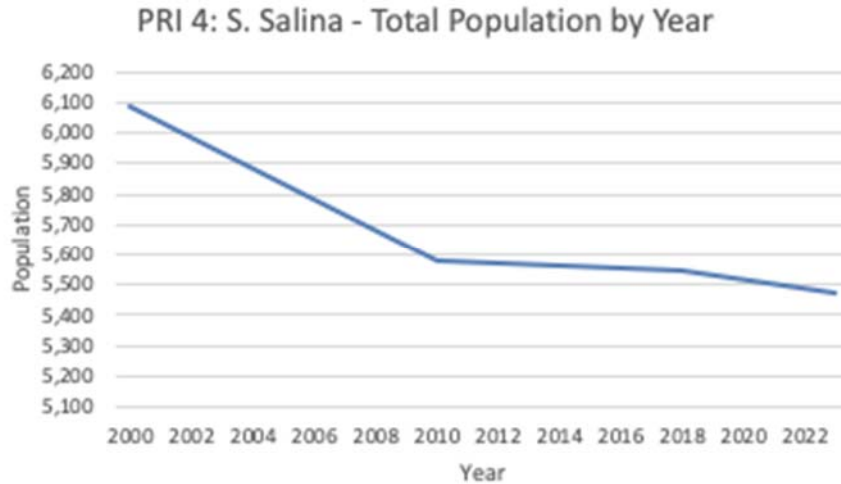
RESIDENTIAL ANALYSIS

POPULATION GROWTH:²⁸

- ◆ The population has declined in S. Salina’s surrounding neighborhoods since 2000. The period between 2000 and 2010 experienced the most substantial decline, with a loss of -8.3%. Since then, population growth has nearly reached a 0% change but is still expected to decline by -1.2% in the next five years.
- ◆ 2018 population density estimates are recorded at 8,273 residents per square mile, slightly above the average across all neighborhood commercial corridors studied (7,856).

²⁸ ESRI, Retail Marketplace Profile (July 2019)

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Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:²⁹

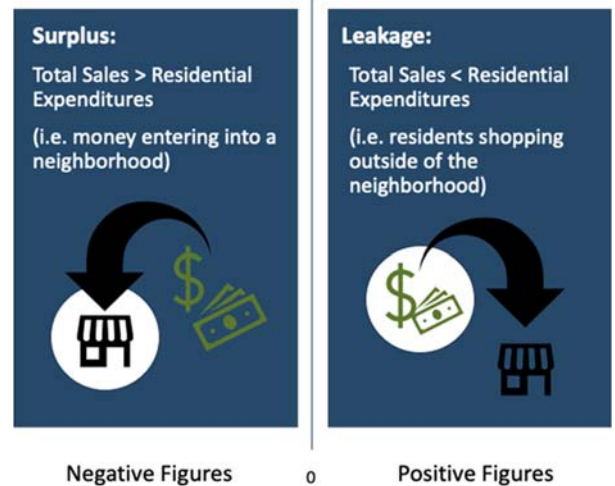
- ◆ Households surrounding South Salina Street are largely composed of families with an average household size of 3.02 (the largest of all study areas). Most of these households have children under the age of 18 (48.5%), contributing to 29.2% of the population age 15 or younger, the largest cohort of the age mix. Millennials (ages 25-44) are the second-largest cohort with 22.5%.
- ◆ These households make approximately \$27,010, nearly \$5,000 less than the city's average. The largest share of the households (47%) earns less than \$25,000, which is likely a factor of one-income households indicated by the percentage of households with no spouse present (50.5%). Income in the neighborhood is projected to grow by 12% over the next five years, a growth rate higher than the city's projected overall growth.
- ◆ Despite the income growth, renter-occupied units (53%) are on a par with the city's average (54%), yet there is a larger share of vacant housing units in the neighborhood (21%), a factor of population decline.
- ◆ Blacks/African Americans represent most of the population share (81.2%); 9.4% is white, and the same share (9.4%) identifies as Hispanic. This legacy African American population contributes to the large share of households that speak only English at home (85.3%).
- ◆ A small share of this population has obtained a bachelor's degree or higher (9%), which is among the lowest of all trade areas.
- ◆ Multigenerational households are also more common in this neighborhood than others studied (9.4%),

²⁹ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

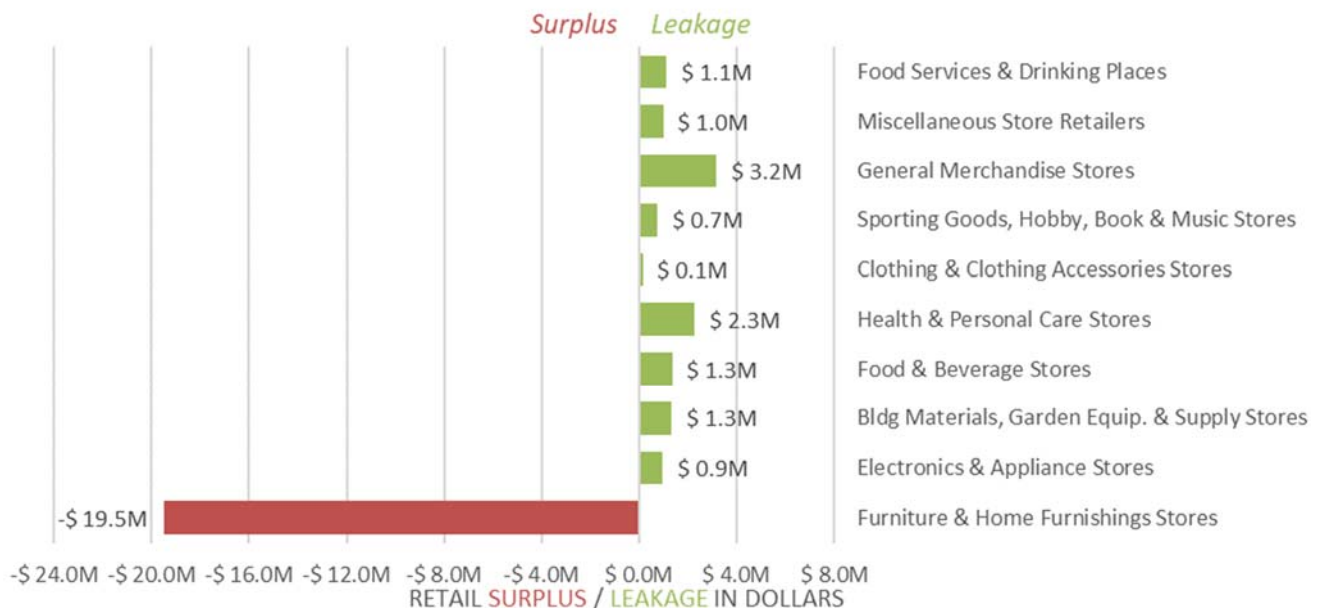
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RETAIL GAP³⁰

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ S. Salina trade area has a summed \$7.5 million surplus in sales, meaning the sales at retailers in the trade area exceed the expenditures by residents. This condition is because Dunk and Bright is a superregional shopping destination, grossing over \$20 million in sales annually.
- ◆ When examining the other categories of retail, there is a gap in every other category, except for Beer, Wine and Liquor Stores and Clothing Stores. These statistics highlight the chronically underserved nature of the corridor and the need for neighborhood-serving retailers.



PRI 4: S. Salina - Retail Gap by Category



³⁰ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE

EMPLOYEE ANALYSIS

In the South Salina Street trade area, there are approximately 704 employees. With an employee to resident ratio of 13 employees per 100 residents, employees represent a small percentage of potential customers for the corridor, creating challenges to sustained daytime retail activity. Additionally, in comparison to other neighborhood commercial corridors, a large share (61%) of employees are age 30-54. Other corridors are all in the 50 percentiles.³¹ According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For South Salina Street, that equates to approximately \$4.2 million in retail expenditures.³²

VISITOR ANALYSIS

South Salina is home to Dunk and Bright furniture, which attracts customers from throughout the greater region. In operation for over 90 years, they have a loyal customer base. These customers rarely shop at other retailers along the corridor, as there are few surrounding Dunk and Bright, and the physical conditions of the corridor do not encourage customers to leave the parking lot.

³¹ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

³² International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

CAMOIN 310 & STREETSENSE

PRI 5: WOLF STREET

PHYSICAL ENVIRONMENT³³

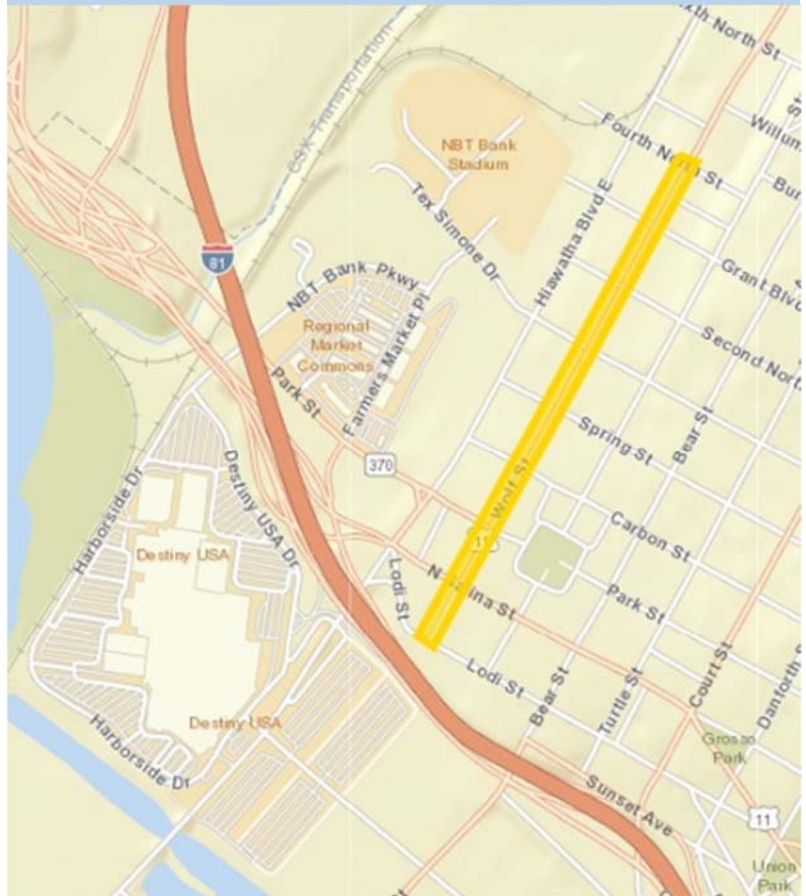
The street is comprised of two distinct sections, one to the South West where the buildings are larger, zero lot line pre-war industrial buildings. The other segment lies to the North East, where the street becomes more residential, with smaller convenience stores (often in converted residential buildings) mixed in with residential housing units. The area's Walk Score is 64. 28% of residents do not own cars, making transit, pedestrian and bike improvements critical to the quality of life.

Other observations include:

- ◆ An eclectic mix of single-family homes, some of which have been converted to mixed-use buildings (ground floor retail) over the years.
- ◆ A newly renovated Family Dollar is located at the intersection of North Salina and Wolf, but it does not have an entrance at the intersection. Pedestrians enter from the parking lot, which is located along North Salina Street.
- ◆ Between North Salina and Park Street, there are several zero lot line pre-war industrial and mixed-use buildings that create a strong sense of place, including a number of notable historic buildings, including but not limited to the former First Trust and Deposit Building at 301 Wolf Street and a fire station at 229 Wolf Street.
- ◆ Above ground utility lines and roadway lighting only. There are no pedestrian lights along the street
- ◆ No street trees of note
- ◆ Many of the sidewalks are cracked or in disrepair. This could be due, in part, to the fact that some of the industrial businesses park their trucks directly on the sidewalk, blocking pedestrian traffic, and the heavyweight of the vehicles results in cracked concrete.

Wolf Street At-A-Glance

Walk Score:	64
Transit Score:	43
Bike Score:	56
HHs without Cars:	28%
Traffic Counts:	6,400



³³ Walkscore.com

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BUSINESS ENVIRONMENT

Wolf Street is a corridor in the northern section of Syracuse relatively proximate to Destiny USA, the region's large megamall. It is categorized as a "Neighborhood Shopping Center" that serves the local community area and offers convenience goods and services.

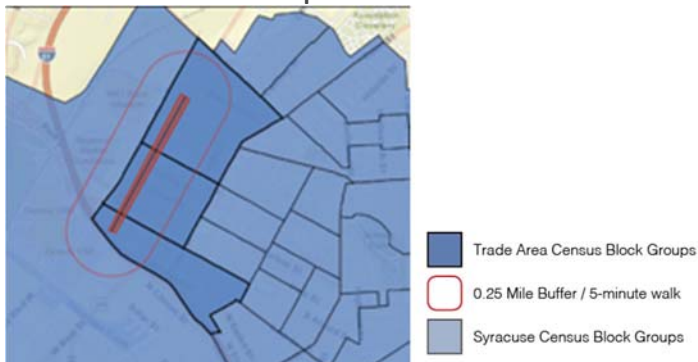
While Wolf Street is proximate to NBT Bank Stadium, the connections are limited, and most visitors park on stadium grounds, making it unlikely that they would leave the stadium by foot after an event. The main street offering connections to the stadium is Grant Boulevard. Pedestrians walking along that street will walk passed unlit, overgrown vacant lots, and no sidewalks.

Along the North Eastern section of the corridor, the area is marked by convenience food markets interspersed with residential homes.

Closer to Destiny USA, along the South Western section of the corridor, the built form gets stronger, with pre-war industrial buildings of scale (301 Wolf and 255 Wolf).

MARKET DATA & DEMOGRAPHICS**TRADE AREA**

The study area for Wolf Street extends from Lodi Street to Fourth North Street. The trade area for Wolf Street includes three Census Block Groups, which mostly flank east. The Census Block Group across Hiawatha Boulevard/south of I-81 was not included in this analysis, as the geographic area is expansive, including the entire Lakefront neighborhood. Fortunate for the analysis, non-residential uses are located in the portion of the Census Block Group bounded by I-81 (south), Hiawatha Boulevard (north), and the rail yard (east and north).

Wolf Street Trade Area Map

Source: City of Syracuse Open Data Portal

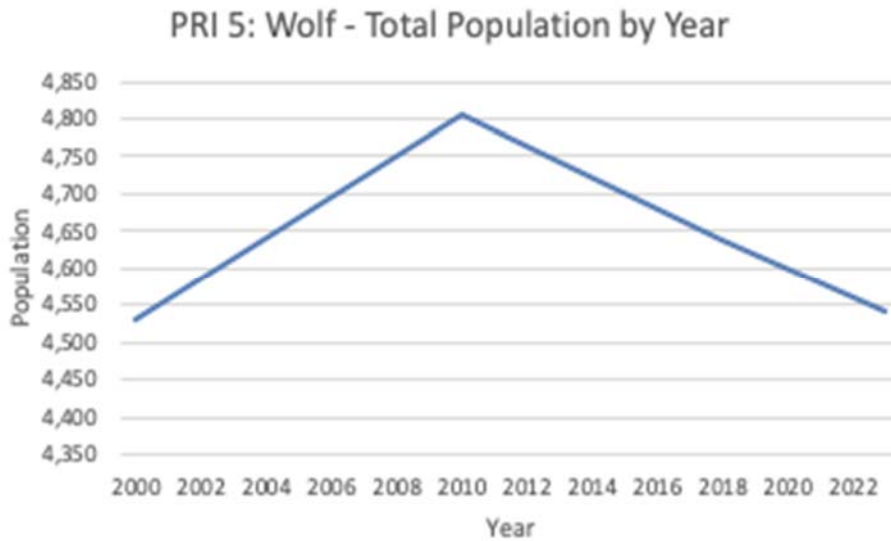
RESIDENTIAL ANALYSIS**POPULATION GROWTH:**³⁴

- ◆ Wolf Street's trade area residential population grew by 6.1% between 2000-2010 but has experienced a subsequent decline of -3.5% between 2000-2018. By 2023, it is projected that the population will be approximate to what was recorded in the 2000 U.S. Census at a count near 4,500.

³⁴ ESRI, Retail Marketplace Profile (July 2019)

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- The neighborhood's population density at 7,859 nearly mirrors the average across all neighborhood commercial corridors, estimated at 7,856.



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:³⁵

- ◆ Residents in the neighborhoods of Wolf Street represent a fairly evenly dispersed age range, yet skew younger than the city as a whole. This age distribution contributes to an average household size of 2.47, 53% family households, and 34.6% of all households with children.
- ◆ Despite having a larger share of households with no spouse present (Wolf Street at 31.5% vs. city of Syracuse at 26%), the median household incomes are \$33,661 nearly \$2,000 higher than the city's average and expected to grow by 12% over the next five years to \$37,616.
- ◆ Even though incomes are higher, the educational attainment of residents in the Wolf Street trade area is much lower than the city. 12% have a bachelor's degree or higher, and 23% do not have a high school diploma.
- ◆ Most residents reside in renter-occupied housing units, accounting for 62% of the unit share. 13% of the units are estimated as vacant, equal to the city's average.
- ◆ Most of the population identifies as White (56.9%), 19.1% as Black/African American, and 10.9% Hispanic. These residents mostly speak English at home (81.3%), while 6.6% are bilingual, speaking Spanish and English at home.

RETAIL GAP³⁶

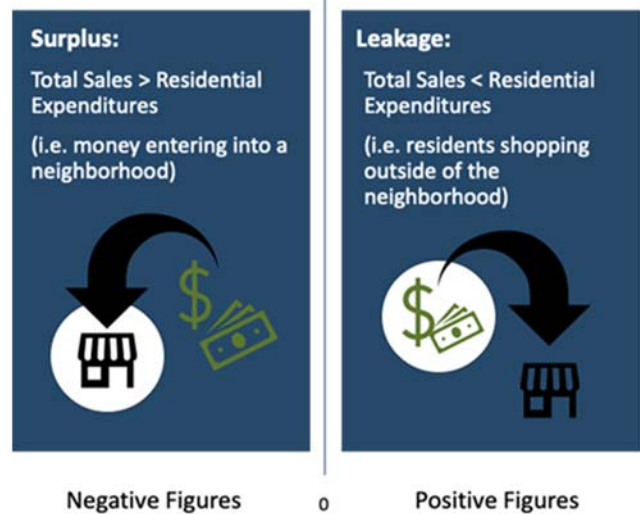
- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.

³⁵ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (2019)

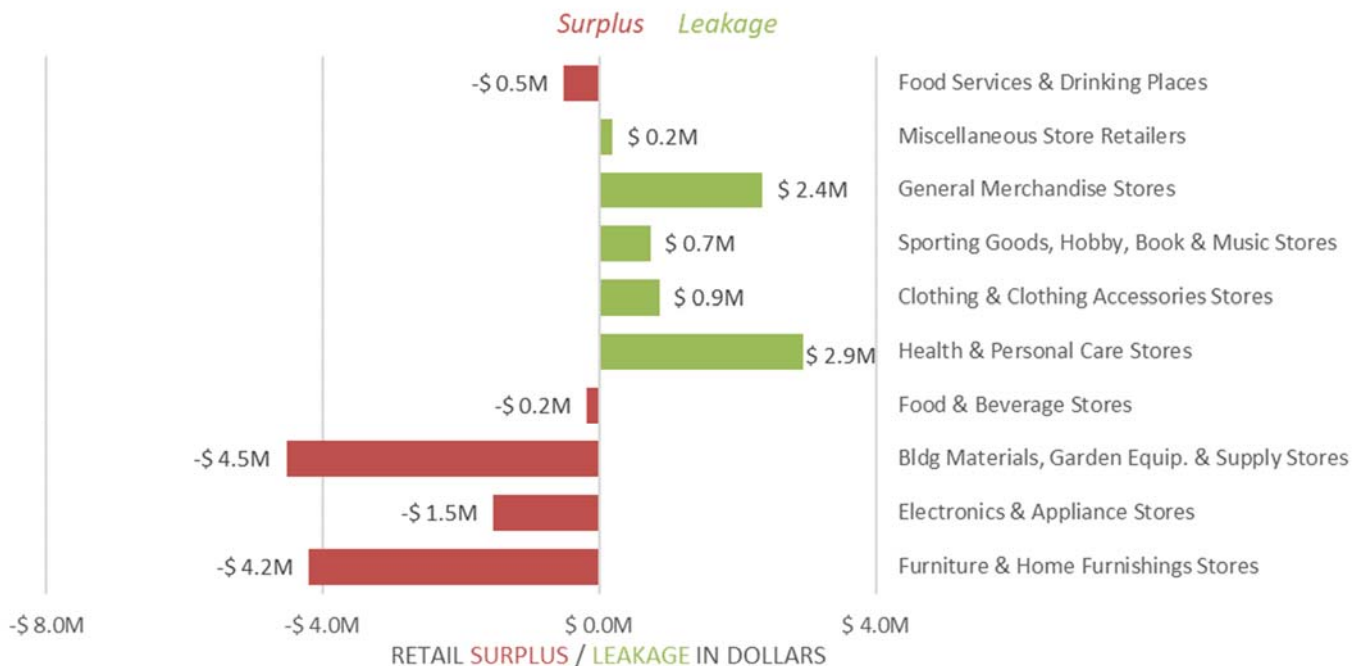
³⁶ ESRI, Retail Marketplace Profile (July 2019)

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- When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying** (or there is a retail surplus).
- Wolf Street trade area has a summed surplus in sales of \$3.87 million, meaning the sales at retailers in the trade area exceed the expenditures by residents, primarily attributed by Home Furnishing Stores, Electronics and Appliance Stores, Building Materials, Specialty Food Stores, and Drinking Places.
- However, there is a gap in each retail category, mostly in the General Merchandise, Apparel, Furnishings, and Other (GAFO) category. The adjacency to Destiny USA enables customers to shop for these items with a short commute.
- Grocery Stores and Restaurants/Other Eating Places are also available near the corridor - TOPS Friendly Market located in the Northside neighborhood on 1st North Street, the Central New York Regional Market within walking distance, and a mix of restaurants along N. Salina Street.



PRI 5: Wolf - Retail Gap by Category



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EMPLOYEE ANALYSIS

In the Wolf Street trade area, there are approximately 1,761 employees, a small portion of the potential customer base with an employee to resident ratio of 38 employees per 100 residents.³⁷ Wolf Street has an uncharacteristic percentage of employees age 55 or older (32%) in comparison to other corridors studied. According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For South Salina Street, that equates to approximately \$10.6 million in retail expenditures.³⁸

VISITOR ANALYSIS

Wolf Street's adjacency to the Central New York Regional Market (1 million visitors annually) and NBT Bank Stadium (325,000 visitors annually) positions the corridor to attract visitors, although they are faced with the physical barrier of a steep incline to reach the corridor. Currently, it is doubtful that the corridor attracts this visitor population due to the limited number of retailers present, as detailed by the \$6.7 million additional estimated residential and employee expenditures in comparison to sales volumes reported.

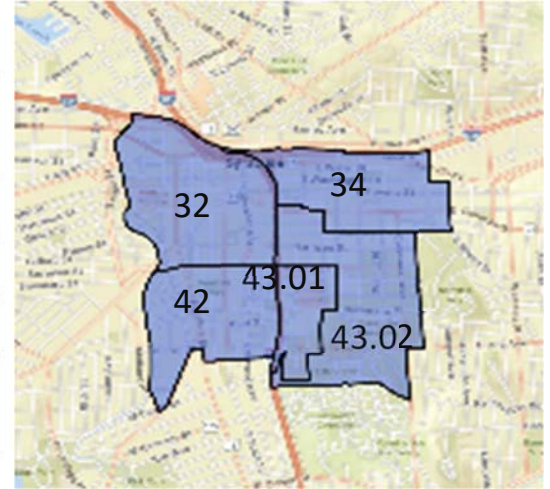
³⁷ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

³⁸ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

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CENTRAL CORE

Central Core at a Glance					
	CT: 32	CT: 34	CT: 42	CT: 43.01	CT: 43.02
Walk Score	94	84	80	77	87
Transit Score	64	59	62	64	61
Bike Score	73	79	64	46	70
Households without Cars	27%	35%	60%	74%	58%

PHYSICAL ENVIRONMENT³⁹

The central core is a large geographic area wherein the quality of the physical environment varies greatly depending on your location. It is difficult to discuss the central core as a single monolithic area, given the vast differences in demographics, business mix, and economic drivers in each sub-area. As a result, our assessment split the area into five smaller sub-areas that correlated to existing Census Tract (CT) boundaries.

The Northwest section of downtown (CT 32) comprises the bulk of what most would consider the historic downtown. As expected, the width of the sidewalks and overall walkability is excellent, reflected in its Walk Score of 94, the highest of all our study areas. Interestingly, the high level of walkability is not reflected in low car ownership. CT 32 has the highest car ownership rates of any central core census tract, which is partly a reflection in the demographic makeup of residents in the area – generally younger and higher income. The area benefits from the existence of a dedicated organization, The Downtown Committee of Syracuse, which is a private, not-for-profit professional downtown management organization that represents property owners and tenants in the district. The Committee has helped to organize and provide professional maintenance, security, promotion, and marketing that is reflected in the excellent condition of the public realm.

Other observations include:

- ◆ Buried utility lines and pedestrian lighting
- ◆ Wide, well-maintained sidewalks that support retail merchandising and outdoor dining
- ◆ Well-maintained public spaces and pocket parks

Syracuse University is the economic driver in CT 43.02. With a student population and university-driven investments in walkability and bike-ability, the Walk Score of 87 and Bike Score of 70 are good, although they could be improved given the population in question. While the City should partner in the efforts to improve this district, these efforts can and should be led by Syracuse University. Previous University leadership has taken a keen interest in making improvements – adding a network of bike lanes for instance - that have improved accessibility to downtown.

³⁹ Walkscore.com

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Other observations include:

- ◆ Major commercial streets have buried utility lines and pedestrian lighting
- ◆ Wide, well-maintained sidewalks
- ◆ Street trees throughout the district
- ◆ Dedicated two-way bike lane/cycle track

Census Tract 42 is primarily home to a low-income community of color that lacks a strong pedestrian environment and insufficient bike infrastructure. This is particularly a concern given that this area has some of the lowest car ownership rates in the entire city (60% of households do not own cars). Our observations found cyclists biking along unsafe, uneven streets or on sidewalks for safety. Investments in walkability and bike-ability in these areas is a matter of equity.

Other observations include:

- ◆ In most places, there are underground utility lines. There is roadway lighting only. There are no pedestrian lights along some major streets.
- ◆ No bike lanes and limited to no bike infrastructure (bike corrals or racks)
- ◆ In some places, previous sidewalk improvements include an ornamental brick strip along the sidewalk that has not been maintained, marked by uneven bricks and weeds.

BUSINESS ENVIRONMENT

The downtown study area is too large of an area to be classified under a single category. The traditional downtown core, CT 32, is a regional destination, home to a cluster of restaurants, bars, and clothing retailers that serves a strong office worker population that is driving to the area from locations throughout the greater Syracuse metropolitan area. Business activity in CT 43.02 and 43.01 has evolved to meet the demand from Syracuse University students – many of whom live in university dorms in this area. This demand is reflected in the business mix, restaurants, bars, and student services, which is decidedly focused on the local student and university employee population. CT 42 is home to the fewest number of businesses are located, except for dollar stores serving local neighborhood residents. It is a neighborhood-serving shopping area. CT 34, the northeastern most quadrant of the downtown core, is a mixed bag of offerings. The area is home to several hotels that serve the university, and a diverse residential population that includes both students and permanent residents. The primary business mix is made up of restaurants, bars, and convenience goods and services.

DEMOGRAPHIC DATA⁴⁰

Census Tract 32: The high educational attainment (61% of the population carries a bachelor's degree or higher) and 47% Millennial population contributes to the understanding that this Census Tract is largely comprised of young professionals and/or graduate students. The small household size (1.3) attributes to the low household incomes, which are relatively low in comparison to Onondaga County. Growth in this Census Tract is the greatest of all Census Tracts in the Central Core.

⁴⁰ Retail market data for the Central Core can be found on page. 21 of this report.

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Census Tract 34: The population in this Census Tract is fairly diverse, yet skew younger – 39% are Gen Z and 27% are Millennials. Like all other Census Tracts in the Central Core, the median household income is low at \$13,755 with 67% of the households earning less than \$25,000.

Census Tract 42: Minority families with children are concentrated in this Census Tract. Educational attainment and household incomes are low. Population growth has been minimal over the past 8 years with limited growth projected.

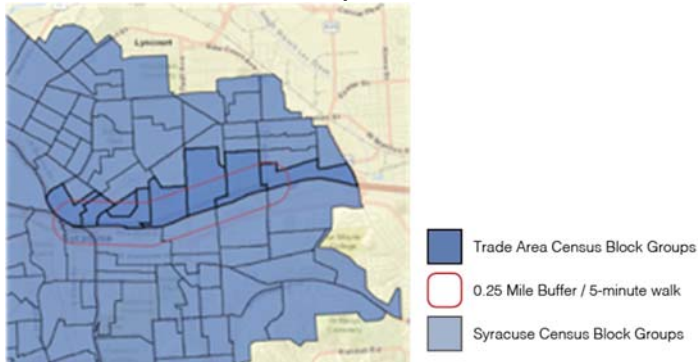
Census Tract 43.01: This population consists largely of low-income earning students with a mix of other generations of residents. Note, 5% of the population earn between \$150,000 - \$199,999, which is the largest cohort of high-income residents in the Central Core.

Census Tract 43.02: Home to Syracuse University, this Census Tract has characteristics aligned with a traditional university population – primarily Gen Z residents (88%), a low median income (\$10,488), and a high percentage of group quarter residents (73%).

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AUX 1: BURNET AVENUE**MARKET DATA & DEMOGRAPHICS****TRADE AREA**

Burnet Avenue's study area spans from Catherine Street (west) to South Midler Avenue (east), and spines along I-690. This condition is reflected in the Census Block Groups that comprise the trade area, as Census Block Groups south of the highway are excluded. I-690 serves as a barrier to customers who diverts towards their destination on either side of the highway. Note, the easternmost Census Block Group is shared with the N. Salina and Butternut study areas.

Burnet Avenue Trade Area Map

Source: City of Syracuse Open Data Portal

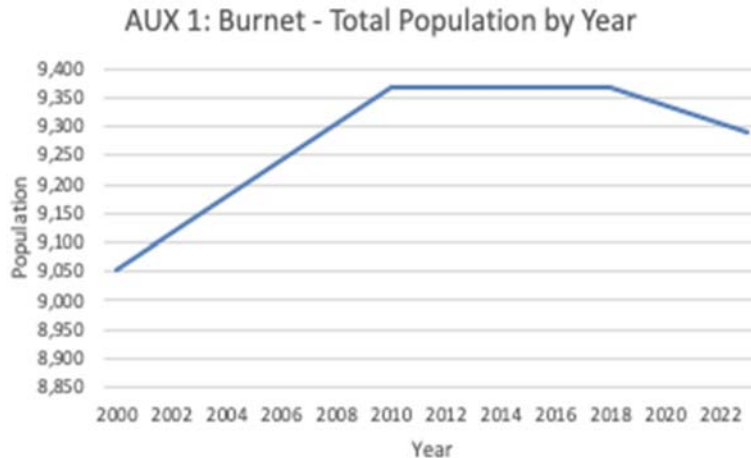
RESIDENTIAL ANALYSIS**POPULATION GROWTH:⁴¹**

Burnet Avenue experienced a 3.5% growth in population between 2000 and 2010. Following this growth, the population has since plateaued and is expected to decline in the next five years by -0.9% to a total population count of 9,288.

The population density is recorded at 7,262 residents per square mile, nearly 600 residents under the average for the neighborhood commercial corridors.

⁴¹ ESRI, Retail Marketplace Profile (July 2019)

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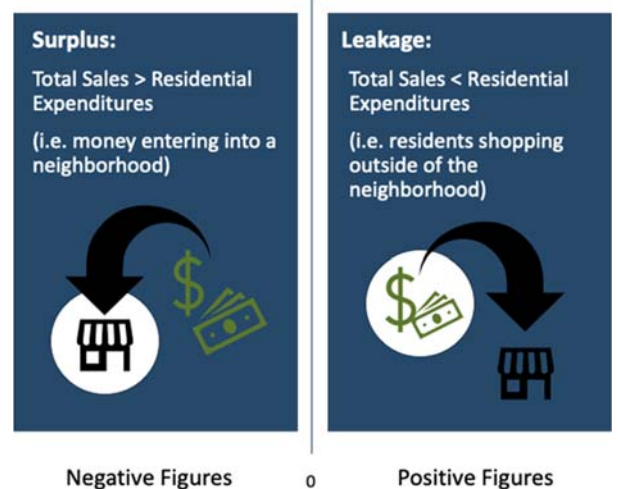
Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:⁴²

- ◆ The age distribution among Burnet Avenue's trade area resides skew older with a larger share of Millennials and Gen Xers ages 25-64. Combined, this population represents 56.9% of the residential population, a great opportunity for retailers to benefit from growing young, single professionals with higher discretionary incomes. The average household size is 2, and 50.3% of the households are occupied by a single person. Currently, there are few households with children under 18 (23.1%). Most of these residents rent their housing unit; 64% of total housing units are renter-occupied, and 13% are vacant.
- ◆ The median household income is \$32,611, marginally higher than the city's average, and will grow 9% over the next five years. However, educational attainment is lower than the city's; 21% have no high school diploma, and 23% have obtained a bachelor's degree or higher.
- ◆ White residents comprise the majority at 57.7%; Black/African American residents represent 23.7% of the population, and 10.4% are Hispanic. These residents primarily speak English only at home (77.2%), but a sizable group speaks Spanish (8.3%).

RETAIL GAP⁴³

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.



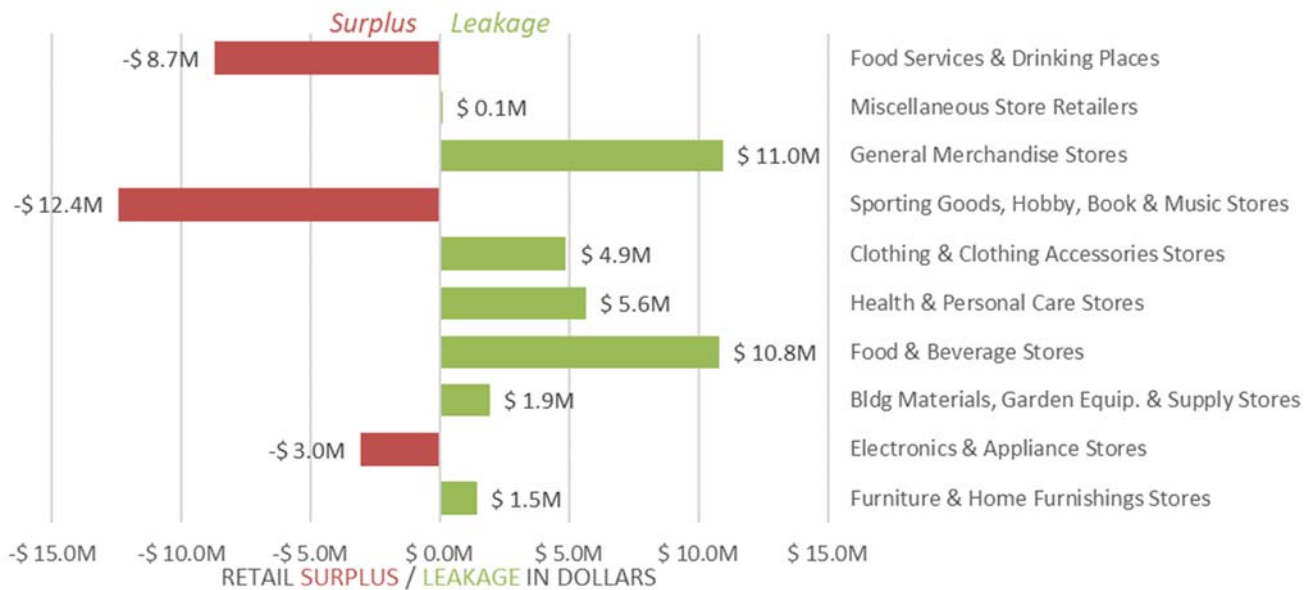
⁴² ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

⁴³ ESRI, Retail Marketplace Profile (July 2019)

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- ◆ Burnet Avenue experiences a gap in retail sales of approximately \$11.66 million, due to the lack of retail offerings in the trade area. Residents here obtain the goods and services needed in nearby neighborhoods, especially Erie Boulevard East's mix of national retailers such as Price Chopper, Aldi, Red Lobster, and Family Dollar.
- ◆ However, many categories also experience a surplus in sales - Electronics and Appliance Stores, Sporting Goods, Hobby, Books and Music Stores, Food Services & Drinking Places. The surplus in Restaurant/Other Eating Places showcases the destination food options along the corridor - Brooklyn Pickle, Dominick's, and others. There's an opportunity to build upon this market distinction.
- ◆ Note, the trade area includes sales at retailers along N. Salina Street, Butternut Street, and at the medical campus, which attributes to the sales and expenditure volumes.

AUX 1: Burnet - Retail Gap by Category



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EMPLOYEE ANALYSIS

In the Burnet Avenue trade area, there are approximately 8,408 employees, a reliable portion of the potential customer base with an employee to resident ratio of 90 employees per 100 residents.⁴⁴ The density of employees is at the medical campus, near the corridor's western edge. According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For Burnet Avenue, that equates to approximately \$50.5 million in retail expenditures.⁴⁵

VISITOR ANALYSIS

Burnet is home to Quality Inn and Suites that has 47 guest rooms available.⁴⁶ At an occupancy rate of 68.5% and the average party size of 2.7, there are nearly 31,728 visitors to the hotel annually.⁴⁷ This customer base spends approximately \$238.18 per person on shopping and dining, equating to \$7.56 million in retail expenditures.

⁴⁴ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

⁴⁵ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

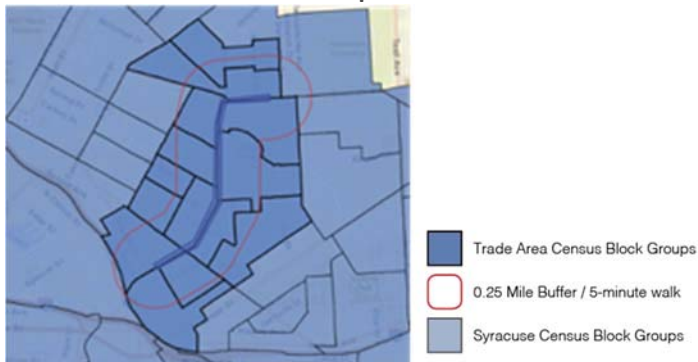
⁴⁶ Hotels.com (July 2019)

⁴⁷ Tourism Economics, The Economic Impact of Tourism in New York, Finger Lakes Focus (2017)

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AUX 2: BUTTERNUT STREET + GRANT BOULEVARD**MARKET DATA & DEMOGRAPHICS****TRADE AREA**

The Butternut Street study area includes two corridors, Butternut Street and Grant Boulevard. On Butternut Street, the study area runs from North Townsend Street to the south to Grant Boulevard, where it turns, following Grant Boulevard to Woodruff Avenue. Most Census Block Groups that touch the .25-mile buffer are included in the trade area except for those located east of the Grant Boulevard study area boundary. Those two are not included as the retail footprint on Grant Boulevard is minimal, limiting its ability to attract customers from far-reaching stretches of each Census Block Group. Note, the southernmost Census Block Groups are included in other trade areas of this study.

Butternut Street Trade Area Map

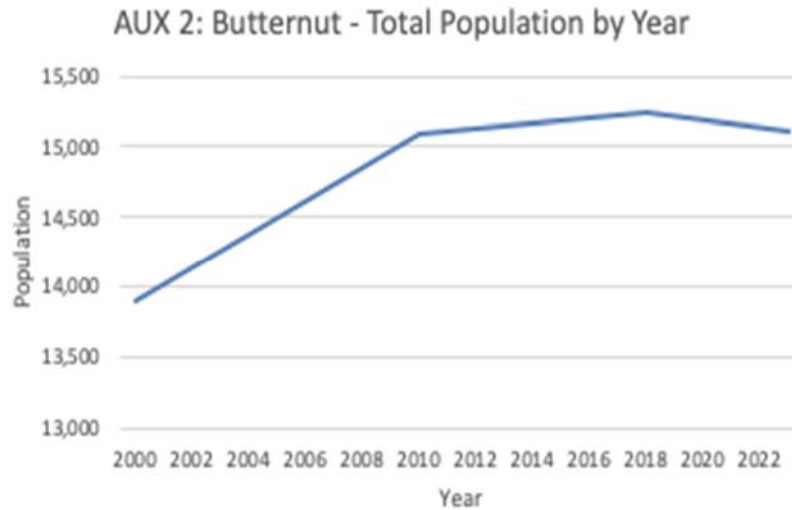
Source: City of Syracuse Open Data Portal

RESIDENTIAL ANALYSIS**POPULATION GROWTH:⁴⁸**

- ◆ Butternut Street's neighborhoods experienced the largest population growth of all neighborhood commercial corridors studied with +8.6% between 2000 and 2010, and +1% between 2000 and 2010. Despite a strong growth trajectory over the past 18 years, the population is projected to decline by -0.9% in the next five years.
- ◆ Butternut Street flanks some of the densest neighborhoods in the City outside of the Central Core. Currently, the population density is estimated at 11,906 residents per square mile, the highest among corridors studied.

⁴⁸ ESRI, Retail Marketplace Profile (July 2019)

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Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:⁴⁹

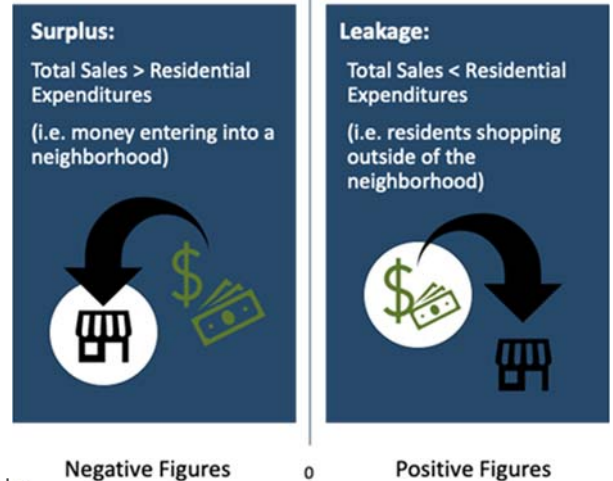
- ◆ The Butternut Street trade area is home to a large share of residents ages 25-44 and under age 15, 28.1% and 24.1%, respectively. With an average household size of 2.58, over a third of households have children under the age of 18.
- ◆ The racial and ethnic composition is diverse - 43.8% White, 24.6% Black/African America, 20.5% Asian, and 8.2% Hispanic. This diversity results in only 62.4% speaking English only at home; only 5% speak Spanish in the home, resulting in nearly a third of the population speaking other languages.
- ◆ This diverse population's median household incomes are currently estimated at \$32,369, a few hundred dollars higher than the city's average. However, income growth in the trade area is estimated at 12% over the next five years, resulting in an average household income of \$36,334, nearly \$2,000 over the projected median household income of the city.
- ◆ Despite a slightly higher household income, educational attainment and rates of homeownership is not as high. 18% have obtained a bachelor's degree or higher, and 30% are without a high school diploma. 24% of housing units are owner-occupied, 58% renter-occupied, and 16% vacant. Lower educational attainment and ownership rates may be a factor of the percentage of new Americans that reside in the trade area and are grappling with the complex American systems.

⁴⁹ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

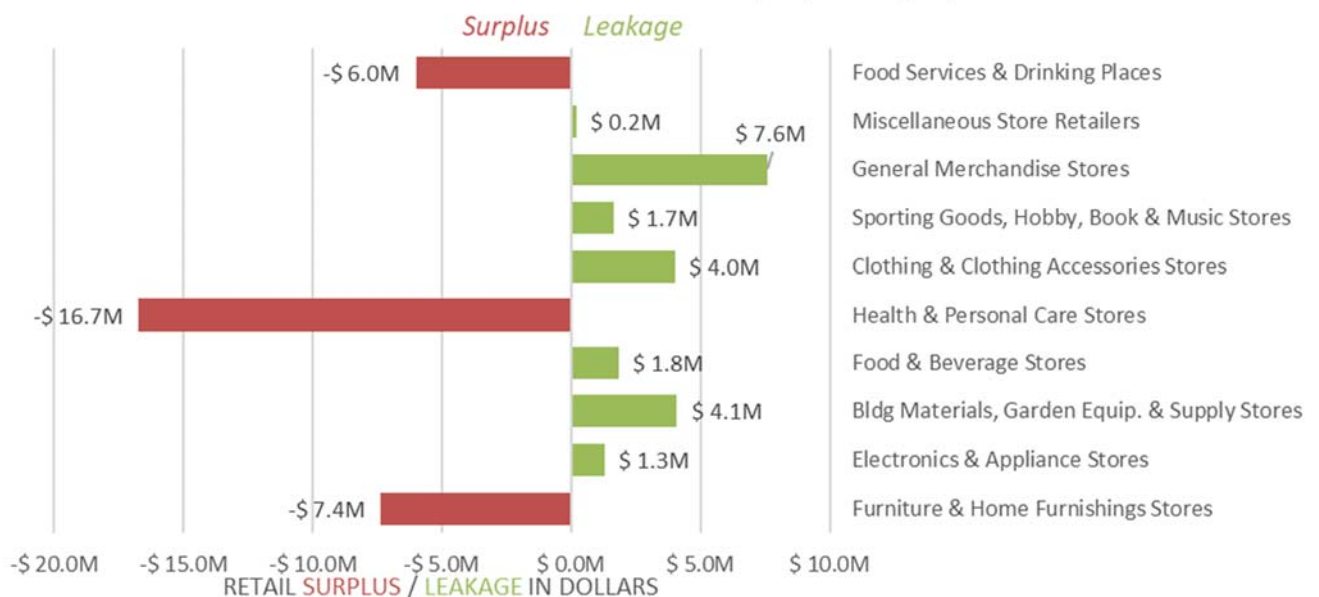
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RETAIL GAP⁵⁰

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ Despite having a mix of retailers on the southern end of the corridor, Butternut's trade areas experience a gap in sales across many categories, including ones represented on the corridor (Grocery Stores and Beer, Wine and Liquor Stores). Most categories with a gap in sales are in the General Merchandise, Apparel, Furnishings and Other category, including Clothing, Building Materials, Sporting Goods, etc.
- ◆ However, there is an overall surplus in sales of \$9.38 million in the corridor, driven by Furniture Stores and Restaurants/Other Eating Places.
- ◆ Note, the trade area includes sales at retailers along N. Salina and at the medical campus, which attributes to the sales and expenditure volumes.



AUX 2: Butternut - Retail Gap by Category

⁵⁰ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE**EMPLOYEE ANALYSIS**

In the Butternut Street trade area, there are approximately 6,861 employees, nearly half of the reliable customer base with an employee to resident ratio of 45 employees per 100 residents.⁵¹ The density of employees is at the medical campus, near the corridor's southern edge. According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For South Salina Street, that equates to approximately \$50.5 million in retail expenditures.⁵²

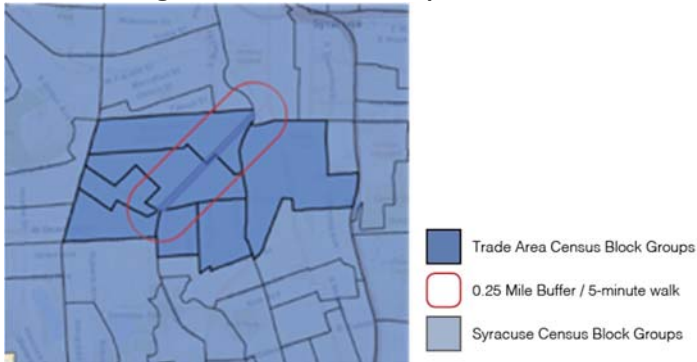
⁵¹ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

⁵² International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

CAMOIN 310 & STREETSENSE

AUX 3: WEST ONONDAGA STREET**MARKET DATA & DEMOGRAPHICS****TRADE AREA**

West Onondaga Street's study area spans from the Onondaga Creek to Tallman Street. The trade area for West Onondaga Street includes most of the Census Block Groups within a .25-mile buffer of the corridor, except for those in the Census Tract 32 and north of Seymour Street, as the offerings in Census Tract 32 are more attractive to customer groups originating there or nearby. All the western Census Block Groups are shared with the Geddes Street trade area.

West Onondaga Street Trade Area Map

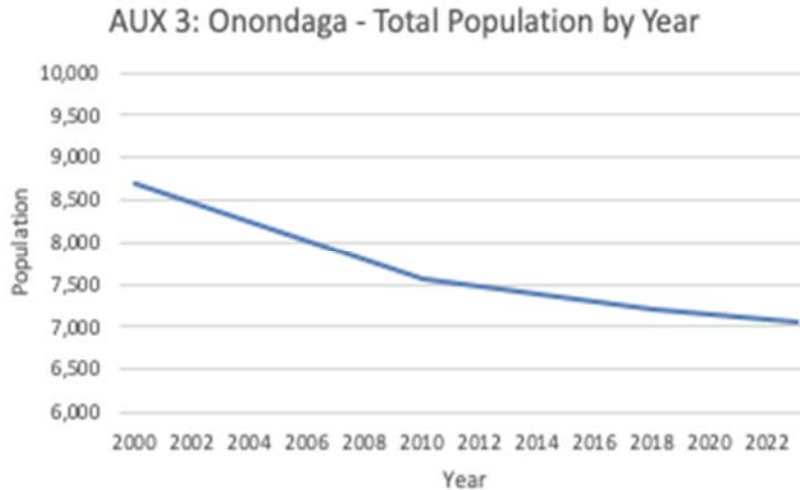
Source: City of Syracuse Open Data Portal

RESIDENTIAL ANALYSIS**POPULATION GROWTH:⁵³**

- ◆ Residential growth in the neighborhoods surrounding West Onondaga Street has been negative over the past 18 years, the worst of all neighborhoods studied. In fact, between 2000 and 2010, -13.2% of the population left the neighborhood and since has declined by -4.8% (2010-2018). This trend will continue through the next five years, where the population is projected to decline by another 2.1%.
- ◆ Population density is also lower than the average of all neighborhoods studied at 7,124 residents per square mile.

⁵³ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS:⁵⁴

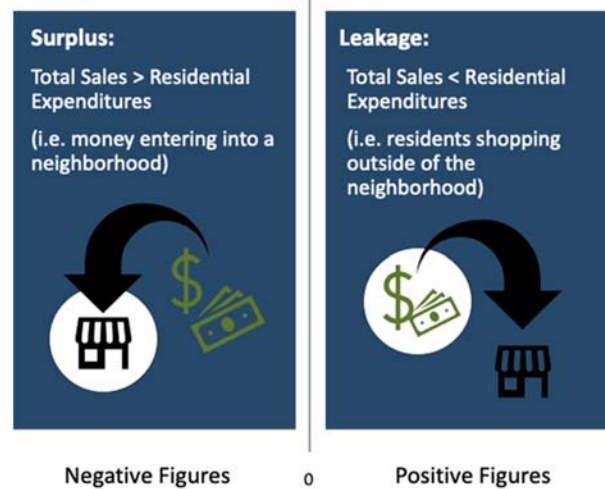
- ◆ Residents surrounding Onondaga Street skew younger, with a limited 8.3% of the population older than age 65. The largest age cohort is residents younger than age 15 (28.3%), followed by those age 25-44 (25.6%). The presence of youth contributes to a comparably large household size of 2.73, and 45.5% of these households have children under age 18.
- ◆ Median household income is low at \$20,543 but expected to grow by 14% over the next five-year period to \$23,399. In comparison to the median household income of the city, West Onondaga Street incomes will remain over \$11,000 lower than the city.
- ◆ Low incomes are potentially a factor of the limited population with a bachelor's degree or higher (6%). A large share of this neighborhood's population over age 25 do not have a high school diploma (34%).
- ◆ With these socioeconomic conditions, homeownership is low, with 18% of all housing units being owner-occupied, and vacancy is high at 20% of all housing units.
- ◆ This neighborhood is majority-minority. Black/African Americans represent 53.4% of the population, and 12.1% identify as another race. Hispanic residents account for 28.2% of the population. 10.5% of residents speak Spanish at home, and 8.8% speak another language.

⁵⁴ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

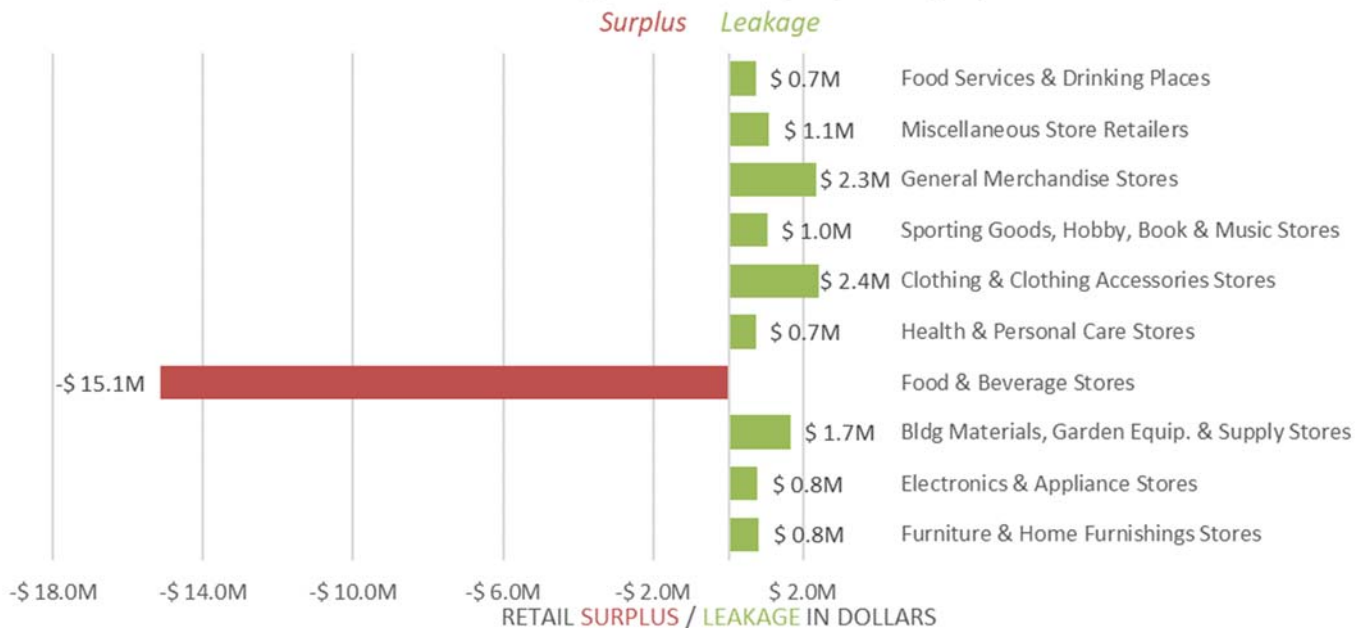
CAMOIN 310 & STREETSENSE

RETAIL GAP⁵⁵

- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.
- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ West Onondaga Street's trade area experiences a net surplus of \$3.6 million, driven by the grocery sales at PriceRite on South Avenue. This grocery store serves most of Syracuse's southern neighborhoods.
- ◆ However, West Onondaga Street has a limited retail footprint, and the trade area has a gap in most categories. Downtown Syracuse and Geddes Street serve these residents due to their proximity.



AUX 3: Onondaga - Retail Gap by Category

⁵⁵ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE

EMPLOYEE ANALYSIS

In the West Onondaga Street trade area, there are approximately 3,255 employees, nearly half of the reliable customer base with an employee to resident ratio of 45 employees per 100 residents.⁵⁶ According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For South Salina Street, that equates to approximately \$19.6 million in retail expenditures.⁵⁷

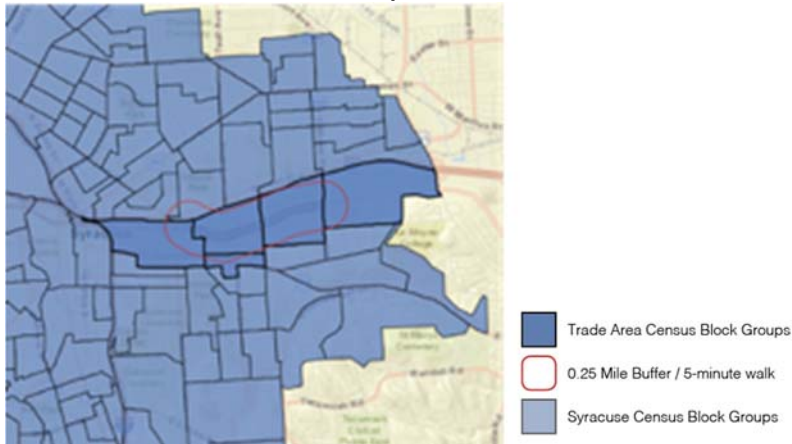
⁵⁶ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

⁵⁷ International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

CAMOIN 310 & STREETSENSE

AUX 4: ERIE BOULEVARD EAST**MARKET DATA & DEMOGRAPHICS****TRADE AREA**

Erie Boulevard East runs east to west from Seeley Road to Beech Street. As mentioned previously, this corridor serves many commuters traveling between downtown and the eastern suburbs. Although primarily a commuter corridor, the same trade area methodology was used to analyze the populations that can patronize the corridor by walking. Census Block Groups that lie inside of the .25-mile buffer north of I-690 were not included.

Erie Boulevard East Trade Area Map

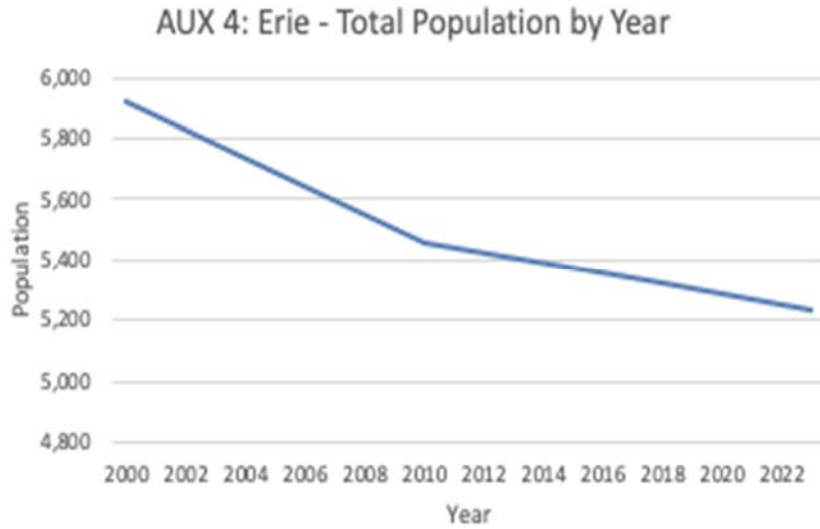
Source: City of Syracuse Open Data Portal

RESIDENTIAL ANALYSIS**POPULATION GROWTH⁵⁸**

- ◆ Erie Boulevard East has had and is projected to continue its negative population growth, with a projected net population change of -11.6% between 2000 and 2023. From 2000 to 2010, the neighborhood experienced the largest population decline at 7.9%, which represents a population count change of 5,924 to 5,458. The population is currently estimated at 5,325.
- ◆ The lowest population density estimates of all corridors studied exist in the neighborhoods surrounding Erie Boulevard East. Currently, this estimate stands at 3,598 and is a condition of the industrial and commercial nature of the corridor.

⁵⁸ ESRI, Community Profile (July 2019)

CAMOIN 310 & STREETSENSE



Source: ESRI, Community Profile (July 2019)

KEY DEMOGRAPHIC FINDINGS⁵⁹

- ◆ Erie's trade area residents are composed primarily of residents age 24 and younger (43.5%), likely a factor of some students who choose the neighborhood due to its proximity to University Hill. Only 8% are over age 65. A large cohort of residents age 25-44 reside near Erie Boulevard (29.9%).
- ◆ Together these residents contribute to an average household size of 2.16. 28.4% of households have children under age 18, and 42.9% are occupied by a single person.
- ◆ The younger population likely earn less, factoring into the median household income of \$20,719, more than \$11,000 lower than the city's median. However, the educational attainment is comparably high for the population age 25 and older. 32% of this subset of the population holds a bachelor's degree or higher.
- ◆ Ownership is also low, 16% of the population live in owner-occupied units. Renter-occupied units represent the majority (73%), and 11% of units are vacant.
- ◆ The Black/African American population is the majority representing 57.7% in this neighborhood. The White population follows at 24.6%. The Hispanic population represents 12.4%, and over 7% speak Spanish at home.

RETAIL GAP⁶⁰

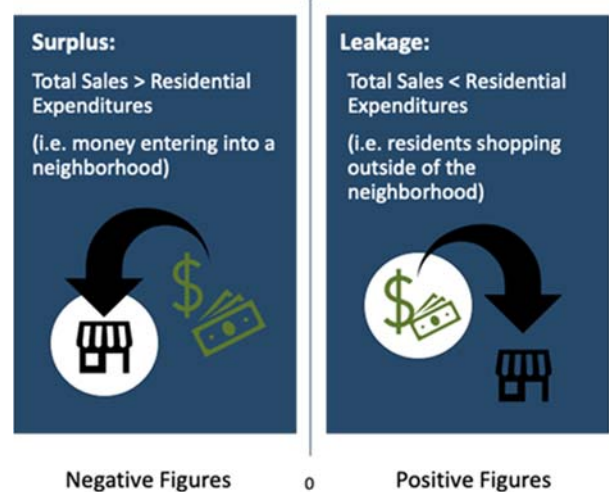
- ◆ A retail gap analysis measures the relationship between estimated retail supply (retail sales estimates based on data collected in the Census of Retail Trade from the US Census Bureau) and retail demand (resident spending estimates based on Bureau of Labor Statistics' annual Consumer Expenditure surveys). This leakage analysis only accounts for resident spending.

⁵⁹ ESRI, Community Profile, 2010 Census Profile, Demographic and Income Profile (July 2019)

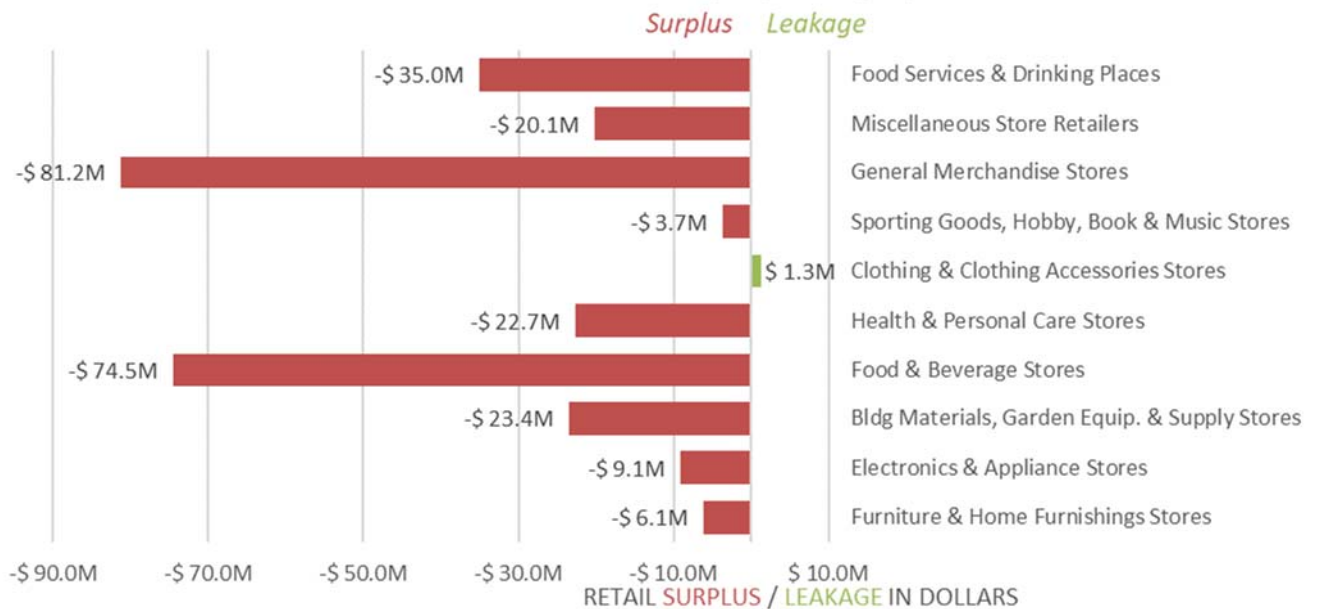
⁶⁰ ESRI, Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE

- ◆ When resident spending exceeds retail sales, then resident spending is 'leaking' out of the trade area. However, when retail sales exceed resident spending, businesses are **selling more than residents are buying (or there is a retail surplus)**.
- ◆ Erie Boulevard East trade area experiences the highest surplus in sales of any study area in this report (\$274.5 million), as the mix of national retailers, attract nearby residents and other customers commuting to the eastern suburbs of the city.
- ◆ Only a few categories are experiencing a gap in sales - Clothing and Clothing Accessories Stores, Lawn and Garden Equipment and Supply Stores, Office Supplies, Stationery and Gift Stores, and Drinking Places - Alcoholic Beverages. Although there is an opportunity to meet these needs on the corridor, they are typically well served by other major shopping centers in the city and nearby suburbs.
- ◆ The corridor's market distinction is the potential for larger format retailers and automobile-oriented retailers/site design.



AUX 4: Erie - Retail Gap by Category



Source: ESRI Retail Marketplace Profile (July 2019)

CAMOIN 310 & STREETSENSE

EMPLOYEE ANALYSIS

In the Erie Boulevard East trade area, there are approximately 5,368 employees, a reliable customer base with an employee to resident ratio of 101 employees per 100 residents.⁶¹ According to ICSC estimates, each employee spends approximately \$1,367 on food and beverages while at work annually and \$4,644 on other goods and services. For South Salina Street, that equates to approximately \$32.3 million in retail expenditures.⁶²

VISITOR ANALYSIS

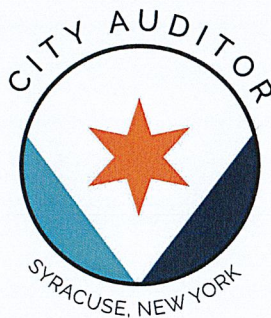
Erie Boulevard East is home to an 80-room Hampton Inn and Suites by Hilton.⁶³ At an occupancy rate of 68.5% and an average party size of 2.7, there are nearly 31,728 visitors to the hotel annually.⁶⁴ This customer base spends approximately \$238.18 per person on shopping and dining, equating to \$12.86 million in retail expenditures.

⁶¹ US Census, Center for Economic Studies, Longitudinal Employer/Household Dynamics, OnTheMap (July 2019)

⁶² International Council of Shopping Centers, Office-Worker Retail Spending in a Digital Age (2012)

⁶³ Hotels.com (July 2019)

⁶⁴ Tourism Economics, The Economic Impact of Tourism in New York, Finger Lakes Focus (2017)



HON. ALEXANDER MARION, MPA
CITY AUDITOR

July 29, 2025

Hon. Benjamin Walsh
Mayor of the City of Syracuse
City Hall
233 E Washington St
Syracuse, NY 13202

RE: Department of Audit, Audit #2025-02

Dear Mayor Walsh,

Pursuant to the City Charter, Sections 5-501 and 5-503, the Office of the City Auditor is initiating Audit #2025-02: A Compliance Audit of the Sidewalk Café Permit Ordinance. This letter is intended to make you aware of our audit, to outline the audit's objectives, scope, and methods, and to provide a timeline and next steps for expected discovery and reporting.

Objectives

Our audit objectives are as follows:

1. Determine if the City of Syracuse has developed appropriate rules and regulations governing the operation and maintenance of sidewalk cafés.
2. Determine if permit holders were properly screened in accordance with the requirements established in Article 14, Section 24-67: "Issuance of sidewalk café permits."
3. Determine if businesses with sidewalk cafés are operating according to the provisions of the Ordinance, within the rules and regulations established by the City, and under any conditions specific to an individual permit.

Scope

The scope will cover Sidewalk Café Permit applications for 2025, including any applications which were denied or are still under review. The audit will also investigate restaurants, bars, and commercial businesses operating sidewalk cafes without proper permits.

All businesses located within a three-block radius of any Sidewalk Café Permit applicant will be inspected for compliance as will all businesses located within business/commercial corridors in the City, adopted from the “Neighborhood Corridor Industry and Inventory Analysis” prepared by Camoin Associates and Streetsense for the Department of Neighborhood and Business Development in 2019, including:

Central Urban Core

-Downtown and University Area (Including Census Tracts 32, 34, 42, 43.01, and 43.02)

Salina Street

-N. Salina St from Route I-81 to Lodi St; S. Salina St from Martin Luther King Jr. St to Lafayette Ave.

James Street

-From Grant Blvd to City Line

Geddes Street

-N. Geddes St from W. Genesee St to Erie Blvd West; S. Geddes St from W. Fayette St to Delaware St.

Wolf Street

-From Lodi St to Fourth North St.

Burnet Avenue

-From Catherine St to S. Midler Ave.

Butternut Street & Grant Boulevard

-N. Townsend St to Grant Blvd; Butternut St to Woodruff Ave.

West Onondaga Street

-From Onondaga Creek to Tallman St.

Erie Boulevard East

-From Beech St to Seeley Rd.

Methods

The audit will use a variety of means to test the objectives. These methods will include reviewing permit files including applications and supporting documentation, as well as physical inspections of business premises. Various documents will be requested from City agencies tasked with carrying out the program. As needed, staff will review property tax and parcel records and seek relevant business documents and permissions from other governments.

Timeline

The Office of the City Auditor intends to be a partner in this engagement, and we recognize the time and effort required to assemble and produce documents takes away from normal duties. Audit staff are committed to working with your team to be minimally intrusive, while ensuring information is gathered in a timely manner which allows us to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. Audit staff expects minimal need for documents and information from City officials. Any requests for information will be provided during the Audit Kick-Off Call.

Our office will begin research and field inspections for this audit immediately and will seek to schedule an Audit Kick-Off Call in early-August with appropriate members of your team as you see fit, which may include individuals from your office, Department of Public Works, Department of Parks, Recreation Youth Programs, Syracuse Fire Department, Syracuse Police Department, and/or the Central Permit Office.

Assuming prompt return of documents and other requests, our office believes a draft report can be completed in September, with a Final Report to be released in October.

Next Steps

Kyle Madden, Deputy City Auditor, will be the Audit Supervisor for this engagement. He will be reaching out to your team next week to arrange the Kick-Off Call. We ask for your cooperation in assembling the necessary members of your team in a timely manner.

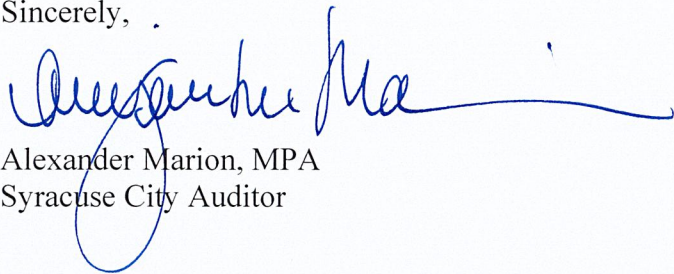
Until a final audit report is issued, the Office of the City Auditor hereby requests that all city departments, bureaus, and divisions, along with their personnel, preserve, and do not destroy or tamper with, any records, documents, files, or reports, related to Sidewalk Café Permits, either electronic or physical, as they may be subject to review or audit under this engagement.

My office is looking forward to this engagement, and we hope your cooperation and support will lead us to findings and actionable recommendations which can improve the administration of and compliance with this program.

If you should have any questions or concerns or wish to discuss this audit or other matters with me, please contact me directly.

Thank you for your attention and your cooperation.

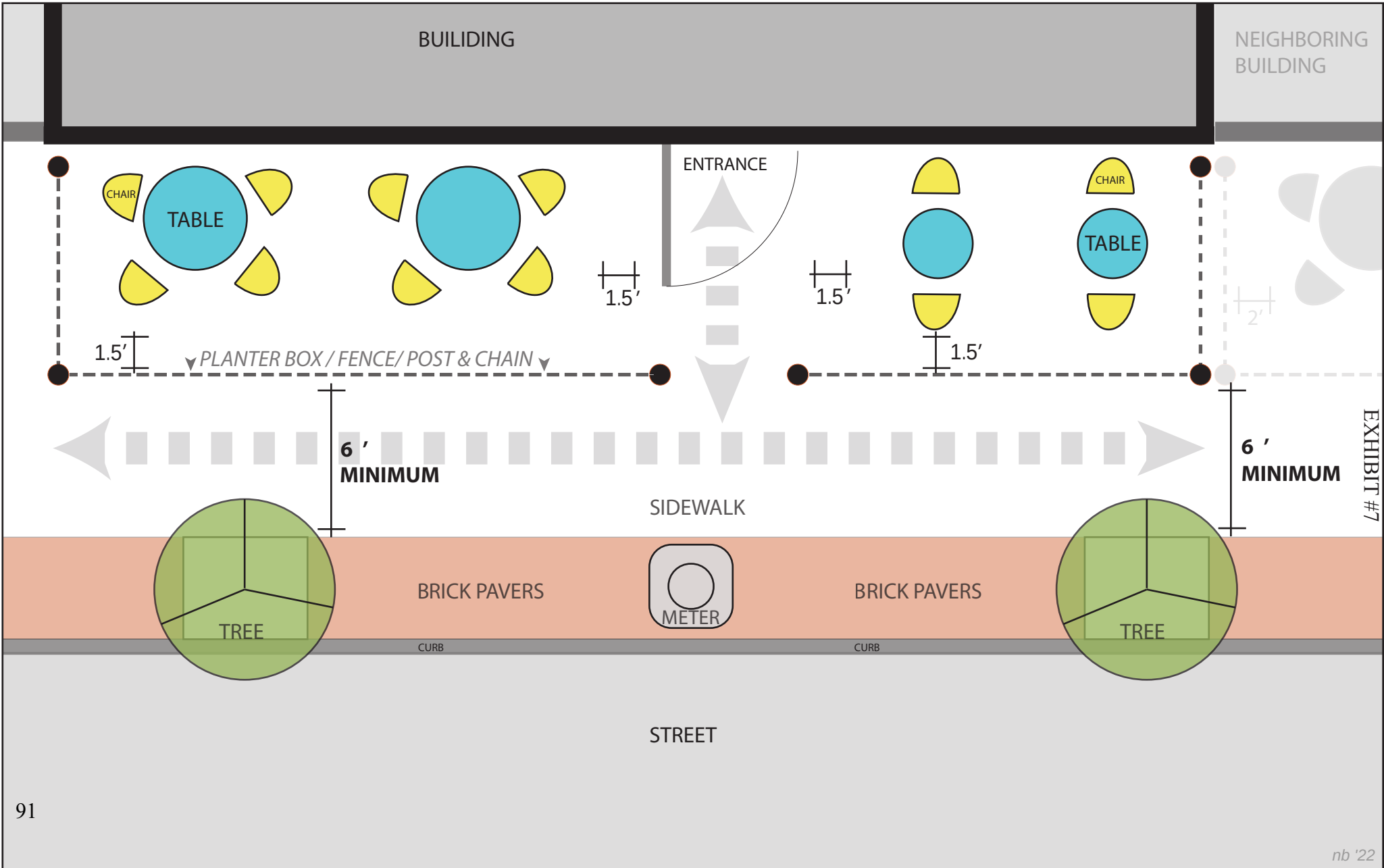
Sincerely, .

A handwritten signature in blue ink, appearing to read "Alexander Marion", with a long horizontal flourish extending to the right.

Alexander Marion, MPA
Syracuse City Auditor

Cc: Common Council
City Clerk
Sharon Owens, Deputy Mayor, Mayor's Office
Corey Driscoll-Dunham, Chief Administrative Officer, Mayor's Office
Conor Muldoon, Chief Operating Officer, Mayor's Office
Greg Loh, Chief Communications Officer, Mayor's Office
Jeremy Robinson, Commissioner, Department of Public Works
Syeisha Byrd, Commissioner, Department of Parks, Recreation, and Youth Programs
Michael Collins, Commissioner, Department of Neighborhood and Business Development
Joseph Cecile, Chief, Syracuse Police Department
Michael Monds, Chief, Syracuse Fire Department
Susan Katzoff, Corporation Counsel, Department of Law
Jessica Brandt, Director, Central Permit Office
Robin St. Hillaire, Secretary to the Commissioner, Department of Public Works

SIDEWALK CAFE CONCEPTUAL DIAGRAM - SITE PLAN

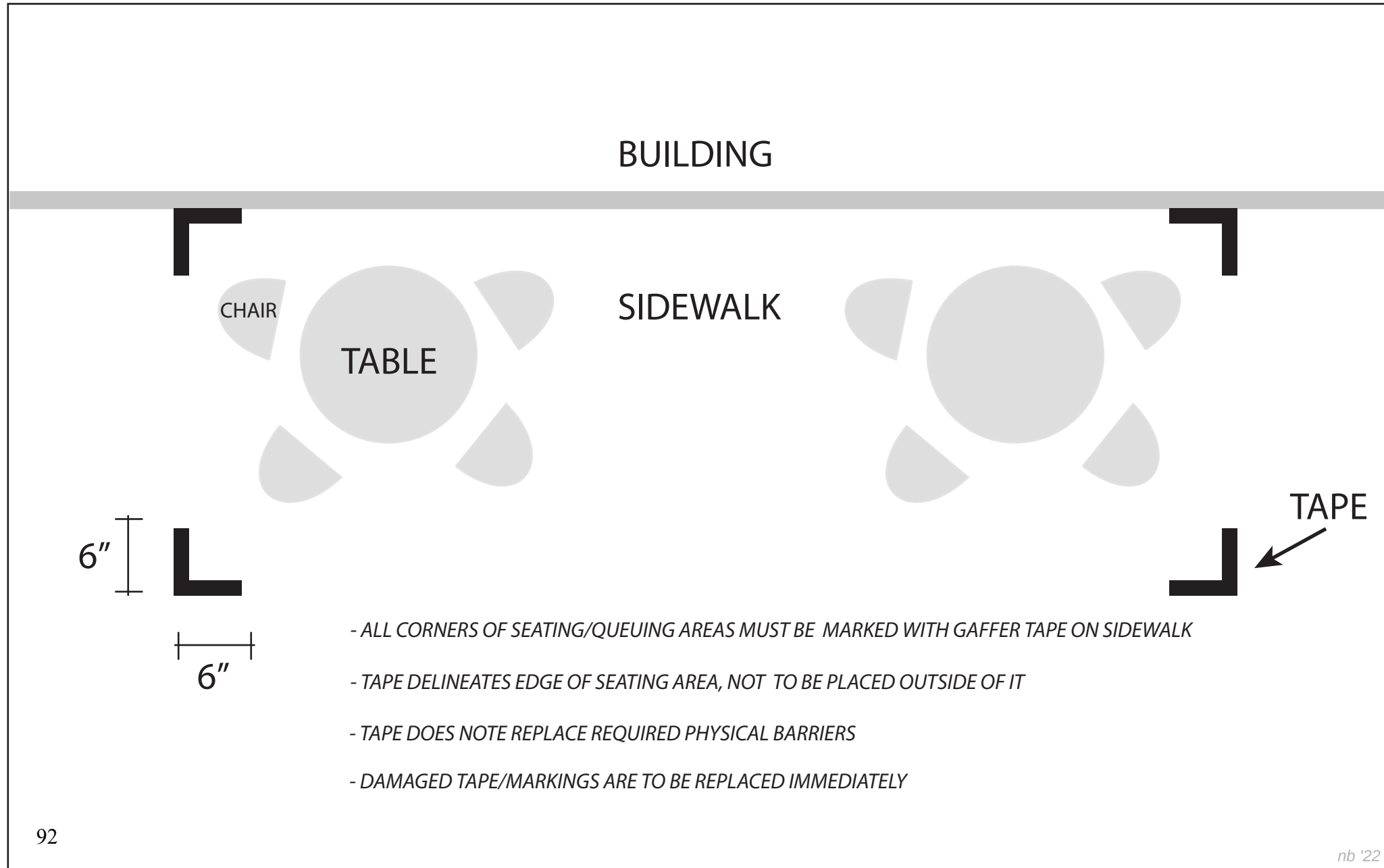


NOT TO SCALE
CONCEPTUAL DRAWING ONLY
SITE CONDITIONS AND LAYOUT MAY VARY

MARK CORNERS OF SEATING AREA WITH GAFFER TAPE
ON SIDEWALK TO DELINEATE BOUNDARY.



SIDEWALK CAFE CONCEPTUAL DIAGRAM - MARKINGS

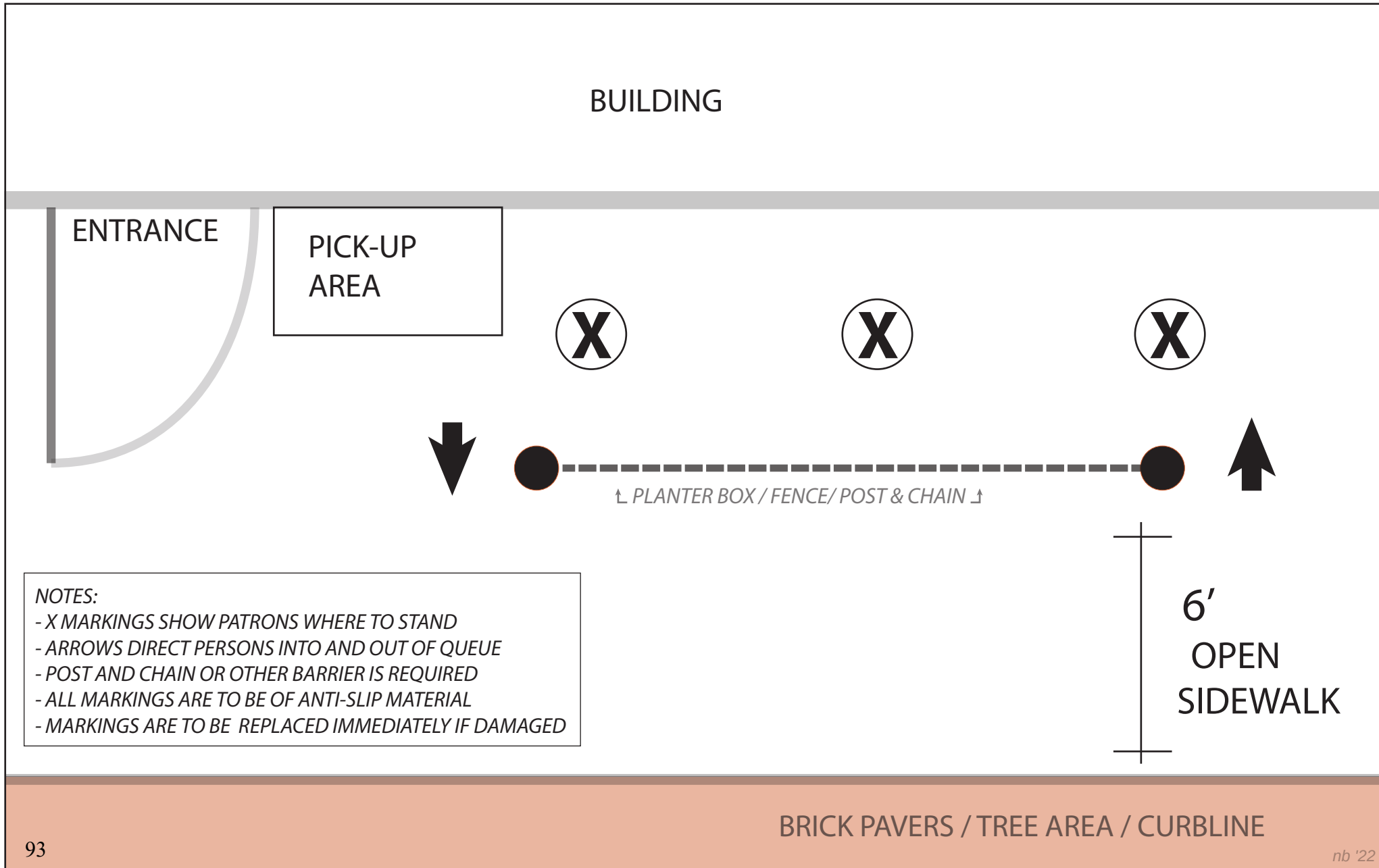


NOT TO SCALE
CONCEPTUAL DRAWING ONLY
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MARK CORNERS OF SEATING AREA WITH GAFFER TAPE
ON SIDEWALK TO DELINEATE BOUNDARY.



SIDEWALK CAFE CONCEPTUAL DIAGRAM - QUEUING AREA MARKINGS

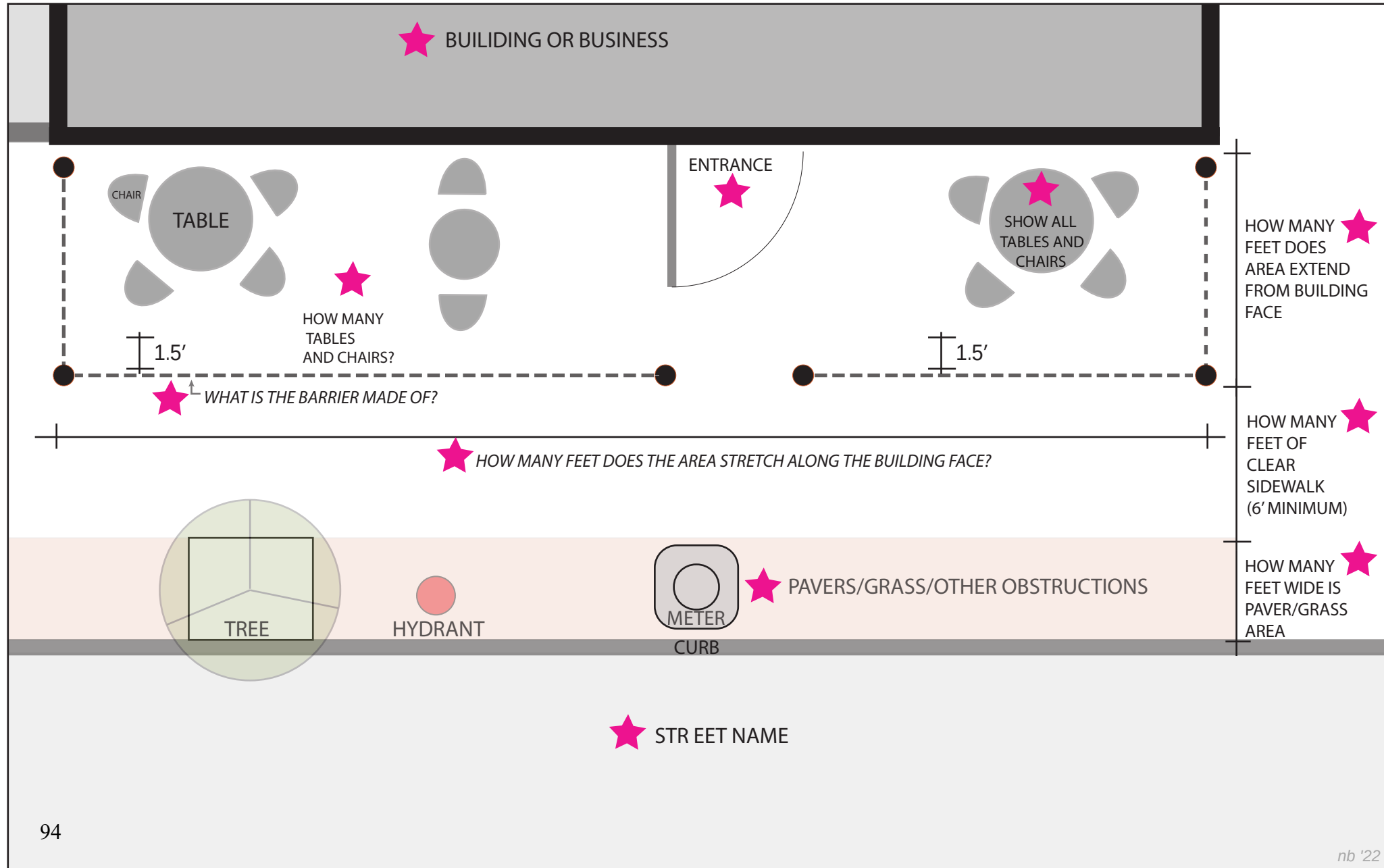


NOT TO SCALE
CONCEPTUAL DRAWING ONLY
SITE CONDITIONS AND LAYOUT MAY VARY

MARK CORNERS OF QUEUING AREA WITH GAFFER TAPE
ON SIDEWALK TO DELINEATE BOUNDARY.



SIDEWALK CAFE CONCEPTUAL DIAGRAM - WHAT TO INCLUDE



NOT TO SCALE
CONCEPTUAL DRAWING ONLY
SITE CONDITIONS AND LAYOUT MAY VARY

MARK CORNERS OF SEATING AREA WITH GAFFER TAPE
ON SIDEWALK TO DELINEATE BOUNDARY.
*GOOGLE MAPS IMAGERY MAY BE USED AS A BASEMAP.





DEPARTMENT OF PUBLIC WORKS

Ben Walsh, Mayor

CITY OF SYRACUSE - DEPARTMENT OF PUBLIC WORKS AGREEMENT (PAGE 1 of 3)

(THIS AGREEMENT MUST BE KEPT ON THE WORK SITE AT ALL TIMES)

THIS AGREEMENT, made as of **04/10/2025**, between **Wild Will's Saloon** of **139 E Water St Syracuse, NY** (known herein after as "**APPLICANT**"), and the City of Syracuse (known herein after as "**CITY**"). **WHEREAS**, the **APPLICANT** has requested to conduct a **Sidewalk Cafe** at **135 Water St E & Warren St S, Syracuse, 13202** (herein after known as "**ADJOINING PUBLIC WAYS**"), and **WHEREAS** the **APPLICANT** wishes to perform the following tasks:

Wild Will's Saloon 2025 Cafe request, Alcohol to be served. Liquour License included. 500 sq ft Sidewalk Cafe Season is from 4/1 to 10/31. Business is allowed to set up cafe on a day-to-day basis after date permit was issued during good weather. Tables must not remain overnight on the sidewalk before and after the Sidewalk Cafe Season.

and **WHEREAS** the **APPLICANT** agrees to meet the following conditions:

- Ensure that post and chain stays within the cafe seating area allotment and does not move or encroach into the 6' pedestrian space.
- Ensure 6' offset from lightpoles, sign poles and any other infrastructure in sidewalk area.
- All tables, chairs and other materials are to be stacked/stored overnight appropriately.
- Subject to inspection by the City without notice, multiple infractions/deviations from approved diagram will result in immediate revocation of permit.
- Cafe area and surroundings to be kept clear of trash, pooling water, and debris at all times.
- This permit is being issued subject to compliance with Chapter 40 of the City of Syracuse Revised General Ordinances (Noise Control Ordinance).

The **APPLICANT** is required to conform to the attached sketch of the **SIDEWALK CAFE** layout where required and must adhere to the attached **SIDEWALK CAFE** Procedures and Regulations. The attached sketch has been reviewed and approved by the Special Events Division of the Police Department and by the Fire Prevention Bureau of the Fire Department. The Fire Department has required that tables be kept clear of fire exits and Siamese connections at all times. Said sketch and Procedures and Regulations are subject to revision as necessary during the term of this **AGREEMENT**.

The **APPLICANT** must comply with all applicable laws, statutes, rules, regulations, and ordinances including but not limited to the Americans with Disabilities Act and must conform to the latest edition of the New York State Manual of Uniform Traffic Control Devices. The **APPLICANT** must maintain a clear pedestrian travel path at all times on the street side of the tables and must not block vehicular or pedestrian sight distance. The **APPLICANT** must keep the sidewalk and street areas broom clean of all debris and litter.

(THIS AGREEMENT MUST BE KEPT ON THE WORK SITE AT ALL TIMES)

APPLICANT'S permission to use the adjoining public ways is conditional upon the Department of Public Works having record an active certificate of insurance as described below and upon the adherence to all requirements of this AGREEMENT. The policy shall be a Comprehensive General Liability Insurance policy for Bodily Injury, including accidental or wrongful death, and Property Damage in the amount of not less than One Million Dollars single limit, naming the CITY as an ADDITIONAL INSURED; as well as \$500,000.00 Worker's Compensation covering **APPLICANT**. The Certificate of Insurance is to be filed with the City through the Office of the Commissioner of the Department of Public Works, 1200 Canal St. Extension, Syracuse, New York 13210 with a copy to Corporation Counsel, 300 City Hall, Syracuse, New York 13202.

And such **OTHER CONDITIONS AS DEEMED NECESSARY BY THE COMMISSIONER OF PUBLIC WORKS**; and WHEREFORE the CITY agrees to and does hereby grant permission to the **APPLICANT** to use the **ADJOINING PUBLIC WAYS**.

Indemnity and Defense

NOW, THEREFORE, in consideration of the CITY granting permission to the **APPLICANT** to use the **ADJOINING PUBLIC WAYS**, the **APPLICANT** further covenants and agrees to indemnify, hold harmless, protect and defend (with counsel acceptable to the CITY), the CITY of Syracuse, its officers, agents and employees from and against any and all liability, damages, claims, cost or expense arising from injury or death to persons, damage to property or claims against the CITY arising out of, or related to, the **APPLICANT'S** use of the **ADJOINING PUBLIC WAYS** or out of **APPLICANT'S** failure to provide and maintain the insurance protection caused by any infringement of any claimed copyright or patent right of designs, plans, drawings, or specifications furnished by **APPLICANT**, his agents, servants, employees, officers, or sub-consultants. Furthermore, the aforementioned indemnity shall survive termination of the **AGREEMENT**. The **APPLICANT** further covenants and agrees to maintain the necessary insurance coverage to effectuate this Indemnification and Defense clause. In addition, the aforementioned indemnity and defense shall not be limited by reason of enumeration of any insurance coverage herein provided.

It is agreed by **APPLICANT** that no permanent and/or property rights are granted or arise out of this **AGREEMENT** or the resulting permit, and this **AGREEMENT** may be terminated and the permit revoked by the CITY for cause or as deemed necessary by the CITY as follows:

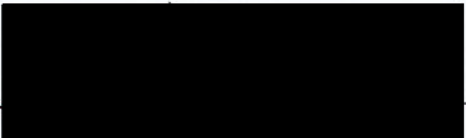
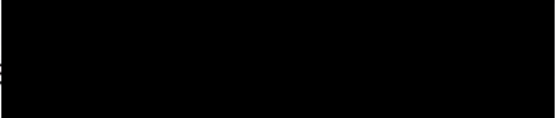
THIS AGREEMENT, shall cease and terminate upon one (1) days written notice from the CITY, Commissioner of Public Works. This will require cessation of all activities by the **APPLICANT** and removal of all equipment and materials from the **ADJOINING PUBLIC WAYS**. If following termination **APPLICANT** fails to remove all equipment and materials from the **ADJOINING PUBLIC WAYS**, the Commissioner of Public Works may serve a notice upon **APPLICANT** informing **APPLICANT** that in the event **APPLICANT** fails to remove the equipment and all materials from the **ADJOINING PUBLIC WAYS** within five (5) days of the date of notice, the Department of Public Works will remove the equipment and materials and place same in a storage facility of the Commissioner of Department of Public Works' choosing. **APPLICANT** is liable for all costs and expenses associated with said removal and storage.

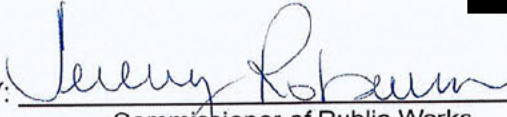
CITY OF SYRACUSE - DEPARTMENT OF PUBLIC WORKS AGREEMENT (PAGE 3 of 3)

(THIS AGREEMENT MUST BE KEPT ON THE WORK SITE AT ALL TIMES)

If any provision in this **AGREEMENT** is held invalid, illegal, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. The invalid, illegal, or unenforceable provision shall be replaced by a mutual acceptable provision, which, being valid, legal, and enforceable comes closest to the parties' intention underlying the invalid, illegal or unenforceable provision. Limitations of liability, indemnities and other express representations shall survive termination of this **AGREEMENT** for any cause and may not be waived by lack of enforcement of any provisions, clause requirements or condition of this **AGREEMENT** or the attached Procedures and Regulations, or for any other reason.

THIS AGREEMENT becomes effective on **04/10/2025**, and it will expire on **10/31/2025**, inclusive.

BY:  DATE: 6/5/25
TITLE: CRES. PHONE: 

FOR THE CITY OF SYRACUSE BY: 
Commissioner of Public Works

NEW YORK CODES COMPANY

WATER STREET

३८८

SIDE WALL
6' X 50'

31/12/2014

215 3123

74 6605 1 x 2.50 W/DESLUTIVE CHAIN (10' x 50' PROPERTY FRONT) SIDE WALLS CAFE AREA

CHAIRS (20)

5
TABLES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-15-10 BY 60322 UCBAW

REV
7-4-82
2000

Figure 1 is a 3D bar chart showing the distribution of the number of children per family. The vertical axis represents the number of children (0 to 10). The horizontal axis represents the number of families (0 to 100). The depth axis represents the number of children (0 to 10). The bars show the frequency of each combination of children and families.

500-1000
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~~EXIT~~

WILL WILCOX SKELDON

WILD WILLS SALOON SIDEWALK CAFE SCALE - 1/4" TO ONE FOOT BY WILL MINNEY

PC-014-12



Sidewalk Cafe Permit 2025

Business Name: Wild Will's Saloon
Location: 135 Water St E & Warren St S
(Diagram on Back)

Tables: 5
Max Occupancy: 20

City of Syracuse, Commissioner of Public Works

Expiration Date: 10/31/2025

Set-up of Sidewalk Cafe must be in compliance with "Sidewalk Cafe Rules & Regulations" at all times. Occupancy must not be over limit, set by the Syracuse Fire Department.

This permit must be displayed in public view at all times.

Exhibit 9

Examples of Sidewalk Café permit holders without current and valid Business Certificates of Use

Business Name	Certificate of Use Status	Application Date	Outstanding Issues
Dinosaur BBQ	Not Valid	2021	Sprinkler System Testing Reports
Guadalajara	Not Valid	2025	Inspection Needed
Limerick Pub	Not Valid	2025	Various Code Violations, Emergency Lighting Inspections
Loop Grill	Not Valid	2025	Fire Suppression System, Smoke Alarm Certifications
Pastabilities	Not Valid	2024	Smoke Alarm Certification
Prime Steak House	Not Valid	2023	Various Code Violations
Saltine Warrior	Not Valid	2025	Emergency Exit Signage
Sweet Praxis	Not Valid	2025	Sprinkler System Testing Reports
The Wedge	Not Valid	2024	Inspection Needed
Wild Will's Saloon	Not Valid	2025	Sprinkler System Testing Reports

ARTICLE 12. - BUSINESS CERTIFICATE OF USE

Sec. 27-162. - Purpose.

The purpose of this article is to establish regulatory controls to ensure that certain businesses are operated in accordance with law, do not have a negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the city of Syracuse.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-163. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

Bar shall mean one or more of the following:

- (1) A building or portion thereof where alcoholic beverages are sold for consumption on the premises;
- (2) A building or portion thereof operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

Business and *businesses* shall mean a bar, food store, drugstore, or smoking establishment as defined herein.

Drugstore shall mean a building or portion thereof where prescription drugs are sold at retail, together with dry goods, food or beverages.

Food store means a building or portion thereof with a total floor space less than twenty thousand (20,000) square feet which is devoted, in whole or part, to the sale of dry goods and food and beverages to be consumed off the premises.

Owner means and includes the owner or owners of the freehold of the premises or lesser estate therein who appears as the owner of record with the Onondaga County Clerk's Office, as well as any person, agent, firm, entity or corporation having any legal or equitable interest in the property at the time a notice, order or other document is issued by the division of code enforcement.

Proprietor means an owner and/or operator or future owner and/or operator of the business specified on a particular certificate of use for a particular business location.

Premises shall mean the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located.

Restaurant shall mean a building or portion thereof where food is sold to be consumed on or off the premises. This definition shall not include a building or portion thereof where a non-alcoholic beverage or snack is available but is incidental to the conduct of the business at the premises or a college or university's dining halls.

Smoking establishment shall mean a building or portion thereof where tobacco products and paraphernalia, which includes but shall not be limited to cigarettes, cigars, pipes, Kreteks (clove cigarettes), hookahs, and Shisha, are used and/or consumed on the premises.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-164. - Certificate of use required.

- (a) No proprietor shall operate or maintain a business within the city of Syracuse without first having obtained a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (b) No owner shall allow a business to be operated or maintained at the premises without requiring proprietor to obtain a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (c) Any business operating without a valid certificate of use shall be considered "unlawful" pursuant to the provisions of section 107.1.4 of the 2010 Property Maintenance Code of New York State and may be subject to immediate closure by the division of code enforcement.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-165. - Application.

- (a) An application for a certificate of use shall be made by the owner or the proprietor to the division of code enforcement on forms prescribed by the director of code enforcement. The application shall request relevant information relating to the owner, proprietor and the business to be conducted at the premises, including the existence of necessary licenses and permits for the business.
- (b) Applications for a certificate of use are to be submitted by the owner or proprietor, including a proprietor who does not yet own and/or operate the subject business, but will own and/or operate the subject business within the next ninety (90) days.

- (c) In the event the application is not approved, the owner and proprietor shall be advised as to the specific requirements which must be met to qualify for a certificate of use and of the right to a hearing on such determination.
- (d) In the event the director of code enforcement determines after the city of Syracuse's review of the application pursuant to section 27-166 of this article that the business is not qualified for a certificate of use based upon any requirement which the director of code enforcement determines cannot be complied with by means of an extension of time under section 27-174(b) of this article, the director of code enforcement shall notify the owner and proprietor in writing of the reasons the application cannot be approved and provide notice to the owner and proprietor of the right to a hearing on such determination. Any such hearing shall be requested in writing to the director of code enforcement within fifteen (15) days of the date of such notice of determination that the application cannot be approved.
- (e) A hearing, when requested, shall:
 - (1) Be held before a hearing officer chosen by the director of code enforcement who shall not be an employee of the division of code enforcement;
 - (2) Be recorded by a stenographer;
 - (3) Take place no later than fifteen (15) business days after the director of code enforcement receives the written request from the owner or Proprietor for the hearing. The director of code enforcement may adjourn the date only upon the owner or proprietor presenting compelling reason(s) in writing that an adjournment of the hearing date is warranted;
 - (4) The owner and proprietor shall be allowed to be represented by counsel and shall be allowed to call witnesses on their behalf and conduct cross-examination of all witnesses.
- (f) Upon receipt of the transcript of the hearing, the corporation counsel or his/her designee shall have the transcript and all exhibits from the hearing forwarded to the hearing officer. The hearing officer shall review the transcript and exhibits and within thirty (30) days from receipt of the transcript and exhibits, render a written recommendation to the director of code enforcement as to whether the application for a certificate of use should be approved.
- (g) Thirty (30) days after receiving from the hearing officer a transcript of the suspension/revocation hearing, all exhibits submitted at the hearing and the hearing officer's written recommendation, the director of code enforcement, shall conduct a de novo review of the transcript, all exhibits submitted at the hearing and the hearing officer's written recommendation. The director shall determine whether the application for a certificate of use should be approved. If the determination of the director of code enforcement is that the application be denied, the director shall issue a written order containing his/her determination. The order shall be drafted within thirty (30) days by the corporation counsel or his/her designee and then signed by the director of code enforcement.
- (h) Any such order issued pursuant to subsection (g) above shall be served on the owner and proprietor pursuant to the provisions of Article 3 of the New York Civil Practice Law and Rules.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-166. - Inspections and investigations.

- (a) Upon receipt of an application for a certificate of use, the director of code enforcement or his/her designee, the chief of fire or his/her designee, and the zoning administrator or his/her designee shall inspect the premises to determine whether the proprietor and owner are complying with the laws and ordinances which they are charged with enforcing. The chief of police or his/her designee shall also conduct a criminal background check on the applicant. The chief of police, the director of code enforcement, the chief of fire and the zoning administrator along with members of their staff shall have the right to enter upon any premises for which a certificate of use is sought for the purpose of making such an inspection during normal business hours, and shall also have the authority to seek warrants where necessary.
- (b) Upon receipt of an application for a certificate of use, the city of Syracuse Zoning Administrator or his/her designee shall review the location to ensure that the operation of the business at that location will be in compliance with the zoning ordinance.
- (c) The director of code enforcement or his/her designee shall determine that the owner and proprietor do not have an expired conditional certificate of use, is not serving a period of suspension, has not had a previous certificate of use or conditional certificate of use revoked, is not the subject of pending charges brought for violations of the terms and conditions of a certificate of use or conditional certificate of use, and that the owner and proprietor has procured all necessary licenses and permits for the business.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-167. - Issuance of certificates of use and conditional certificates of use.

- (a) A certificate of use shall be issued when the following conditions have been satisfied:
 - (1) All fees required by section 27-169 of this article have been paid;
 - (2) The application form has been completed and accepted by the division of code enforcement;
 - (3) The owner and proprietor have all necessary licenses and permits for the business;
 - (4)

The proprietor does not have an expired conditional certificate of use, a certificate of use or conditional certificate of use that is under suspension, a previous certificate of use or conditional certificate of use revoked, and/or does not have charges pending for violations of the terms and conditions of a certificate of use or conditional certificate of use;

- (5) The owner and the proprietor do not owe the city any money for delinquent taxes, water charges, civil penalties, parking tickets or other duly incurred charges, fines or penalties; and
- (6) Due to the interaction between proprietors and the general public, the city has an interest in protecting the health, safety and welfare of the public. Accordingly, the city will conduct a criminal background check on each applicant in accordance with section 296(16) of the New York State Executive Law. The director of code enforcement makes a determination in accordance with Article 23-A of the New York State Correction Law. Specifically:
 - a. The criminal background check shall initially be reviewed by an individual who is not directly involved in the final determination. For purposes of this paragraph, this individual shall be called a "screener".
 - b. The screener shall review the criminal background check and determine if the applicant has been convicted of:
 - i. Any felony in the five (5) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana; or
 - D. The sale of controlled substances.
 - ii. Any misdemeanor in the two (2) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana;
 - D. The sale of controlled substances;
 - E. Selling stolen goods;
 - F. Unlawfully dealing with a child; or
 - G. Violations of the Alcoholic Beverage Control Law.
 - c. In the event that the background check is free from convictions for any of the offenses enumerated above, the screener shall communicate to the Director of Code Enforcement that the applicant's background is clear, even if there are other convictions contained within the background check. A background check with convictions for offenses others than the ones set forth above shall have the same effect as a background check with no convictions.
 - d. In the event that the applicant's background check does contain one of the above enumerated offenses, the screener shall deliver to the director of code enforcement the background report, along with a notation of which offense or offenses, of the above enumerated offenses, necessitate further review.
 - e. The director of code enforcement shall communicate to the applicant, via certified letter, that the background check revealed one of the above enumerated offenses. The director of code enforcement shall include a copy of the full background check with this correspondence. The letter shall inform the applicant of the opportunity to provide any information to the director of code enforcement regarding rehabilitation and/or good conduct. The applicant shall furnish such information, if any, in writing to the director of code enforcement within ten (10) days of the date of the certified letter sent from the director of code enforcement.
 - f. After the ten (10) days has lapsed, the director of code enforcement shall then review the background check in accordance with Article 23-A of the Correction Law of New York State, even if the applicant has not submitted any information regarding rehabilitation and/or good conduct.
- (7) All applicable city officials in section 27-166 of this article have inspected and investigated the business, the business's premises and the business location and have approved the owner's application for a certificate of use.
- (b) A conditional certificate of use may be issued where the director of code enforcement or his/her designee has decided to issue a conditional certificate of use where the following conditions have been satisfied:
 - (1) All fees required by section 27-169 of this article have been paid;
 - (2) The application form has been completed and accepted by the division of code enforcement;
 - (3) The owner and proprietor have all necessary licenses and permits for the business;
 - (4) The proprietor does not have an expired conditional certificate of use, a certificate of use or conditional certificate of use that is under suspension, a previous certificate of use or conditional certificate of use revoked, and/or has charges pending for violations of the terms and conditions of a certificate of use or conditional certificate of use;

- (5) The owner and proprietor do not owe the city any money for delinquent taxes, water charges, civil penalties, parking tickets or other duly incurred charges, fines or penalties; and
- (6) Due to the interaction between proprietors and the general public, the city has an interest in protecting the health, safety and welfare of the public. Accordingly, the city will conduct a criminal background check on each applicant in accordance with Section 296(16) of the New York State Executive Law and the director of code enforcement makes a determination in accordance with Article 23-A of the New York State Correction Law. Specifically:
 - a. The criminal background check shall initially be reviewed by an individual who is not directly involved in the final determination. For purposes of this paragraph, this individual shall be called a "screener".
 - b. The screener shall review the criminal background check and determine if the applicant has been convicted of:
 - i. Any felony in the five (5) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana; or
 - D. the sale of controlled substances.
 - ii. Any misdemeanor in the two (2) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana;
 - D. The sale of controlled substances;
 - E. Selling stolen goods;
 - F. Unlawfully dealing with a child; or
 - G. Violations of the Alcoholic Beverage Control Law.
 - c. In the event that the background check is free from convictions for any of the offenses enumerated above, the screener shall communicate to the director of code enforcement that the applicant's background is clear, even if there are other convictions contained within the background check. A background check with convictions for offenses others than the ones set forth above shall have the same effect as a background check with no convictions.
 - d. In the event that the applicant's background check does contain one of the above enumerated offenses, the screener shall deliver to the director of code enforcement the background report, along with a notation of which offense or offenses, of the above enumerated offenses, necessitate further review.
 - e. The director of code enforcement shall communicate to the applicant, via certified letter, that the background check revealed one of the above enumerated offenses. The director of code enforcement shall include a copy of the full background check with this correspondence. The letter shall inform the applicant of the opportunity to provide any information to the director of code enforcement regarding rehabilitation and/or good conduct. The applicant shall furnish such information, if any, in writing to the director of code enforcement within ten (10) days of the date of the certified letter sent from the director of code enforcement.
 - f. After the ten (10) days has lapsed, the director of code enforcement shall then review the background check in accordance with Article 23-A of the Correction Law of New York State, even if the applicant has not submitted any information regarding rehabilitation and/or good conduct.
- (7) The owner or proprietor indicates in a signed, notarized writing on a form provided by the director of code enforcement, their intention to take the necessary action to comply with the requirements given them by the applicable city officials in section 27-166 for the approval of their application for a certificate of use.
- (c) A conditional certificate of use shall contain a date by which the owner or proprietor who signed the notarized writing submitted to the director of code enforcement must comply with the requirements for approval by the applicable city officials in section 27-166 of this article. A conditional certificate of use shall not be extended for any reason.
- (d) Upon completion of the requirements set forth in the conditional certificate of use and the approval of the owner's application by said city officials, the director of code enforcement shall issue a certificate of use to the proprietor for the business in accordance with the terms of this section.
- (e) Both certificates of use and conditional certificates of use shall include the date on which the certificate of use or conditional certificate of use will expire.
- (f) Certificates of use and conditional certificates of use shall be conspicuously posted in a window or door so that they are visible from the closest public right-of-way.
- (g)

Certificates shall be issued or denied within ninety (90) days after an application is completed. Nothing herein shall require the director of code enforcement to issue or deny a certificate of use within such period, if the necessary reviews and approvals by the city officials in sections 27-166 and 27-167 have not been completed.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-168. - Operation of businesses.

- (a) The proprietor of any business shall comply with all provisions of federal and state statutes and rules and regulations and all city of Syracuse local laws, ordinances and rules and regulations relating to the conduct of businesses and the occupation, use and maintenance of the premises in which the business is located. Moreover, owners and proprietors shall comply with any and all notices, orders, decisions and determinations made by any city official which governs the occupation and use of the business.
- (b) The proprietor of any business shall cause the certificate of use to be posted in a conspicuous place visible to the public on the premises of the business.
- (c) The proprietor of any business shall not permit at any time a greater number of persons on the premises than the capacity approved by the city of Syracuse.
- (d) The proprietor of any business shall maintain good order on and about the premises at all times. The proprietor of any business shall also be responsible for removing refuse from the premises and obstructions from the sidewalk adjacent to the premises as well as for operating the business in accordance with the requirements of all state statutes, rules and regulations and all city of Syracuse local laws, ordinances and rules and regulations, and for operating the business so that neither the business nor its patrons become a source of disruption to other building tenants or a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The term "failure to maintain good order" shall include, but not be limited to, the following:
 - (1) Allowing or permitting the premises to become disorderly, including allowing or permitting offenses against public order in violation of chapter 16, article 2 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (2) Gambling in violation of chapter 16, article 2 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (3) Prostitution.
 - (4) Illegal possession, use, gift, sale, or offer for sale of alcoholic beverages.
 - (5) Illegal possession, use, gift, sale, or offer for sale of cigarettes or tobacco products.
 - (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
 - (7) Littering in violation of chapter 14 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (8) Possession, use, gift, sale, or offer for sale of illegal drugs.
 - (9) Noise Control Ordinance violations in contravention of chapter 40 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (10) Possession of stolen property.
 - (11) Operating beyond the legal hours of operation.
 - (12) Illegal possession, use, gift, sale, or offer for sale of dangerous weapons.
 - (13) Violations of the New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code.
 - (14) Loitering in violation of chapter 24, article 13 of the Revised General Ordinances of the city of Syracuse, as amended.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-169. - Fees.

The fee for a certificate of use, both for initial applications for a certificate of use and for renewals of a certificate of use shall be five hundred dollars (\$500.00) every two (2) years.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-170. - Expiration of the certificate.

Certificates of use shall be valid for a period of two (2) years from the date of issuance, unless the certificate is suspended or revoked pursuant to this article. The date of expiration shall be printed on the certificate.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-171. - Renewal of the certificate.

- (a) No later than sixty (60) days prior to the expiration date of the certificate of use, the owner of the applicable business shall apply for the renewal of the business's certificate of use with the division of code enforcement on a form provided by the director of code enforcement. The period for renewal shall be listed on the certificate of use when it is issued.
- (b) The issuance or denial of renewals of certificates of use shall follow the requirements set forth in section 27-167.
- (c) Failure to apply for and obtain a renewal of a certificate of use may result in the business being closed as unlawful, pursuant to Section 107.1.4 of the 2010 New York State Property Maintenance Code, until the renewal certificate of use is issued. Failure of the director of code enforcement to provide such form shall not relieve the owner from the obligation to comply with this section.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-172. - Transfer of the certificate.

- (a) Certificates of use shall not be transferred or assigned in the event of any change involving the proprietor, the type of business, or the business location. A new certificate of use shall be required if the certificate holder changes the type of business at the location or relocates the business, or if another person wishes to operate the same business or a new business at the location.
- (b) The proprietor of any business that has a certificate of use shall notify the director of code enforcement within five (5) business days following the date when such owner transfers, assigns, sells, closes or moves the business. Upon being notified, the director of code enforcement shall cancel the certificate of use for the business.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-173. - Failure to apply for certificate of use.

- (a) In the event the owner or the proprietor shall fail to apply for a certificate of use as required herein, the director of code enforcement shall notify the owner in writing of such violation pursuant to the procedure set forth in section 27-114 of this chapter. The director of code enforcement, may, but is not required to, also provide such notice of violation to the proprietor, if the proprietor's information is known.
- (b) In the event the owner or the proprietor is provided with notice pursuant to section 27-173(a) and neither submits the required application within the time set for the correction of the violation, the director of code enforcement and/or his/her designee may treat the failure to apply for the certificate of use the same as any other violation of this chapter shall be treated. Additionally, the business may be deemed unlawful pursuant to Section 107.1.4 of the 2010 New York State Property Maintenance Code and subject to immediate closure by the division of code enforcement.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-174. - Operation of business.

The proprietor of a business subject to the provisions of this article must obtain a certificate of use or conditional certificate of use prior to the commencement of any business operations. In the event an application is approved, the director of code enforcement shall issue the proprietor a certificate of use in accordance with the terms of this article. In the event the application is denied, the provisions of section 27-165 shall be followed.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-175. - Suspension or revocation of certificate of use.

- (a) Any certificate of use or conditional certificate of use issued pursuant to this article may be suspended or revoked by the director of code enforcement in accordance with the provisions of this article based on:
 - (1) Findings after a suspension or revocation hearing on notice conducted in accordance with the procedure detailed in subsection (b) below; or
 - (2) A closing of the business location pursuant to chapter 45 of the Revised General Ordinances of the city of Syracuse, as amended; or
 - (3) Failure to comply with the provisions of section 27-176 and the proprietor has been convicted of a felony or misdemeanor involving theft or fraud since the certificate of use was issued as detailed in section 27-175(c) below.
- (b) In the event a proprietor issued a certificate of use has failed to maintain good order at the subject business as required by section 27-176, the director of code enforcement is authorized to conduct a suspension or revocation hearing on notice to the owner and proprietor to determine whether the certificate of use should be suspended or revoked based on the violations set forth in the notice. Notice shall be served pursuant to the service rules set forth in Article 3 of the New York State Civil Practice Law and Rules.
 - (1) A copy of the hearing notice shall be sent to the district councilor in whose district the subject business is located.
 - a. It shall be the responsibility of the district councilor to provide notice of the hearing to his/her constituents.
 - b. In the event the district councilor and/or his/her constituents wish to provide testimony to be considered by the hearing officer, and ultimately the director of code enforcement, they shall be allowed to submit written statements made under penalty of perjury before a notary public. Such statements shall be forwarded to the director of code enforcement no less than fifteen (15) days prior to the day of the

hearing. The director of code enforcement shall send, via certified mail, copies of the written statements to the owner and proprietor at the address to where service of the notice of hearing was made no less than ten (10) days prior to the day of the hearing. The original written statements shall be delivered by the director of code enforcement to the hearing officer prior to the day of the hearing.

- (2) The suspension or revocation hearing shall be scheduled for a date no fewer than thirty (30) days and no more than sixty (60) business days after the date upon which the owner and proprietor are served with notice of the hearing. The director of code enforcement may adjourn the date only upon the owner or proprietor presenting compelling reason(s) in writing that an adjournment of the hearing is warranted. Such an adjournment shall in no circumstances be later than twenty (20) business days from the originally scheduled date for the suspension or revocation hearing.
- (3) The suspension or revocation hearing shall be held before the hearing officer chosen by the director of code enforcement, who shall not be an employee of the division of code enforcement. The hearing officer shall consider as evidence any written testimony that was provided pursuant to section 27-175(b)(1)c. above. Oral testimony from members of the public shall not be heard. Strict adherence to the New York Rules of Evidence shall not be necessary.
- (4) The suspension or revocation hearing shall be recorded by a stenographer.
- (5) The owner and proprietor shall be allowed to be represented by counsel and shall be allowed to call witnesses on their behalf and conduct cross-examination of all witnesses. Additionally, the owner and/or proprietor shall be allowed to testify and/or submit evidence to respond to any written testimony previously submitted pursuant to section 27-175(b)(1)c. above.
- (6) Upon receipt of the transcript of the hearing, the corporation counsel or his/her designee shall have the transcript and all exhibits from the hearing forwarded to the hearing officer. The hearing officer shall review the transcript and exhibits and within thirty (30) days from receipt of the transcript and exhibits, render a written recommendation to the director of code enforcement as to whether the certificate of use should be revoked, suspended or remain valid.
- (7) Thirty (30) days after receiving from the hearing officer a transcript of the suspension/revocation hearing, all exhibits submitted at the hearing and the hearing officer's written recommendation, the director of code enforcement, shall conduct a de novo review of the transcript, all exhibits submitted at the hearing and the hearing officer's written recommendation. The director shall determine whether the certificate of use should be revoked, suspended or remain valid. If the determination of the director of code enforcement is that the certificate should be revoked or suspended, the director shall determine the length of time for which the certificate shall be revoked or suspended. The director shall issue a written order containing his/her determination. The order shall be drafted within thirty (30) days by the corporation counsel or his/her designee and then signed by the director of code enforcement.
- (8) Any such order issued pursuant to subsection (6) above shall be served on the owner and proprietor pursuant to the provisions of Article 3 of the New York Civil Practice Law and Rules. A copy of the order shall also be posted to the business location.
- (c) Notwithstanding the provisions above, the director of code enforcement shall be authorized to temporarily suspend a certificate of use prior to a suspension or revocation hearing in the event that the owner or proprietor has failed to maintain good order at the subject business as required by section 27-176, and the proprietor has been convicted of a felony or misdemeanor involving theft or fraud since the time the certificate of use was issued.
- (d) In the event the Chief of Police of the city of Syracuse has commenced enforcement proceedings against a property owner to abate a nuisance in accordance with chapter 45 of the Revised General Ordinances, as amended, relative to a premises containing a business subject to the certificate of use requirements of this article, a copy of the notice of hearing shall be given to the business at the address provided for notice in connection with a certificate of use, along with a written notice that in the event the business location is closed as a result of the nuisance abatement proceeding, the certificate of use shall be revoked for the period of such closing and the business shall remain closed for the period provided in such nuisance abatement order.
- (e) The action of the director of code enforcement in granting or refusing to grant or to renew a license under this article or in revoking or suspending or refusing to revoke or suspend such a license or imposing any fine or reprimand shall be subject to review by a proceeding instituted under article seventy-eight of the civil practice law and rules at the instance of the applicant for such license, the holder of a license so revoked, suspended, fined or reprimanded or the person aggrieved.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-176. - Failure to maintain good order at the business location.

- (a) For the purposes of this chapter, the owner of a business holding a certificate of use or conditional certificate of use shall be deemed to have failed to maintain good order at the business location in the event a sufficient number of violations are found to have occurred relative to separate incidents at the subject premises, resulting in the accumulation of twelve (12) or more points within a period of twelve (12) months or eighteen (18) or more points within a period of twenty-four (24) months in accordance with the following point system:
 - (1) Violations of the following State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations, which have not resulted in a conviction or judgment, shall be assigned a point value of four (4) points:

- a. Article 220 of the Penal Law - Controlled Substances Offenses;
- b. Article 222 of the Penal Law - Cannabis;
- c. Article 225 of the Penal Law - Gambling Offenses;
- d. Article 230 of the Penal Law - Prostitution Offenses;
- e. Article 120 of the Penal Law - Assault and Related Offenses;
- f. Article 155 of the Penal Law - Larceny Offenses;
- g. Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law - Criminal Possession of Stolen Property;
- h. The Alcoholic Beverage Control Law;
- i. Chapter 7-A of the Consolidated Laws, known as the Cannabis Law;
- j. Article 265 of the Penal Law - Firearms and other Dangerous Weapons;
- k. Section 270.00 of the Penal Law - Unlawfully Dealing with Fireworks and Dangerous Fireworks;
- l. Section 415-a of the Vehicle and Traffic Law - Vehicle Dismantlers;
- m. Section 175.10 of the Penal Law - Falsifying Business Records;
- n. Sections 170.65 and 170.70 of the Penal Law - Forgery of and Illegal Possession of a Vehicle Identification Number;
- o. Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law and/or Section 260.20 of the Penal Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law and/or Section 260.21 of the Penal Law;
- p. Article 158 of the Penal Law - Welfare Fraud;
- q. Article 178 of the Penal Law - Criminal Diversion of Prescription Medications and Prescriptions;
- r. Section 147 of the Social Services Law - Food stamp program fraud;
- s. Any violation of the New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code which is life threatening and/or necessitates the declaring of the Premises as "unfit for habitation".

(2) Violations of the following State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations, which have not resulted in a conviction or judgment, shall be assigned a point value of three (3) points:

- a. The New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code;
 - b. Operating a Business during hours which the business is required to be closed pursuant to the State of New York's statutes and rules and regulations and/or the city of Syracuse's local laws, ordinances and rules and regulations;
 - c. Allowing persons on the premises in excess of occupancy limits;
 - d. Section 14-25.1 of the Revised General Ordinances of the city of Syracuse, Health and Sanitation Ordinance - Littering;
 - e. City of Syracuse Noise Control Ordinance, chapter 40 of the Revised General Ordinances of the city of Syracuse;
 - f. Failure to have an entertainment and/or amusement license where the Business's current operation so requires;
 - g. Allowing or permitting the Premises to become disorderly, including allowing or permitting offenses against public order.
- (b) For purposes of this chapter, in addition to the point system set forth in section 27-176(a), two (2) additional points shall be added to any of the violations specified in section 27-176(a) which have resulted in a conviction and/or judgment in favor of the prosecuting party.
- (c) For purposes of this chapter, where more than one (1) violation of the State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations set forth above in section 27-176(a) occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.
- (d) Businesses that have a conditional certificate of use shall be subject to this section and any points they accumulate prior to the issuance of the certificate of use shall be carried forward to such certificate of use.

(Gen. Ord. No. 13-2014, 3-31-14; Gen. Ord. No. 17-2015, 5-26-15; Gen. Ord. No. 24-2022, 12-24-22)

Sec. 27-177. - Notice to owners relative to accumulated points.

- (a) In the event that it shall come to the attention of the director of code enforcement or his/her designee that a business issued a certificate of use pursuant to this article has accumulated as provided by section 27-176 hereof, eight (8) or more points in any six (6) month period or twelve (12) or more points in any eighteen (18) month period, the director of code enforcement or his/her designee shall transmit to the owner or the proprietor, where applicable, by certified mail at the address specified in the application for said certificate of use, a letter advising the owner or the proprietor of the number of points accumulated and warning the owner or the proprietor, where applicable, of the possibility of suspension or revocation of the subject certificate of use upon accumulation of the twelve (12) or more points in a twelve (12) month period or eighteen (18) or more points in a twenty-four (24) month period.

- (b) The failure of the director of code enforcement or his/her designee to transmit a warning letter pursuant to section 27-177 (a) hereof or the failure of the owner or his/her/their designee, or proprietor, where applicable, to receive a warning letter shall in no event be a defense to suspension or revocation of the certificate of use or criminal or civil penalties or an injunction as provided for in this chapter.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-178. - Promulgation of policies and procedures.

A committee comprised of the director of code enforcement or his/her designee, the chief of police or his/her designee, the chief of fire or his/her designee, the chief of fire or his/her designee, the commissioner of finance or his/her designee, and the chair of the common council committee on economic development, downtown and metropolitan planning or his/her designee may promulgate administrative policies and procedures to carry out and give full effect to the provisions of this article. In addition to the previously listed individuals, the committee shall also be comprised of, on a rotating basis, a Tomorrow's Neighborhoods Today (TNT) facilitator and a business proprietor from that TNT area, who shall be chosen by the facilitator. The TNT facilitator and business proprietor shall rotate every six (6) months, in the following order: Northside, Eastwood, Eastside, Downtown, Valley, Southside, Westside, Lakefront. A copy of the policies and procedures promulgated by this committee shall be filed with the Syracuse City Clerk's Office.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-179. - Severability.

In the event any clause, sentence, paragraph, section or part of this chapter shall be finally adjudged by a court of competent jurisdiction to be invalid, unlawful and/or unconstitutional, such determination shall not affect, impair or invalidate the remainder thereof but shall be limited to the portion directly involved in the determination and the remainder of this chapter shall remain in full force and effect.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-180. - Access to premises for inspections.

In addition to the requirements set forth in section 27-166, officers and employees of any city departments with responsibility to enforce or assist the director of code enforcement in enforcing this article shall have the right of access to any business subject to the terms of this article for the purpose of making an inspection during normal business hours and the city of Syracuse shall also have the authority to seek inspection warrants where necessary to properly administer this article.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-181. - Annual report to the common council.

Every year the director of code enforcement or his/her designee shall prepare and submit to the common council an annual report detailing the number of businesses that have a certificate of use and the number and names of businesses that have had their certificate of use suspended and/or revoked pursuant to this article. The annual report should be transmitted to the common council no later than April 1st in the year in which the annual report is due with the first annual report being due no later than April 1, 2015.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-182. - Penalties—Criminal and civil.

- (a) *Criminal penalties:* Any owner or proprietor who having been served with a notice or order to correct or remove any violations of this chapter who fails to comply with such notice or order within the time period fixed by the director of code enforcement shall be guilty of an offense and upon conviction shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) or imprisonment for not more than fifteen (15) days or both for each offense.
- (b) *Civil penalty—Imposition of cumulative civil penalty:* Any owner or proprietor who having been served with a notice or order to correct or remove any violation of this article shall be subject to a cumulative civil penalty of one hundred dollars (\$100.00) per day for each separate violation from the date set for correction in the notice or order until the violation is corrected. The penalty may be collected by the corporation counsel by action or special proceeding against the owner or proprietor.
- (c) *Enforcement of civil penalty.*
- (1) The corporation counsel may maintain an action or special proceeding in a court of competent jurisdiction for the recovery of civil penalties, together with costs and disbursements.
 - (2) In addition to any action or special proceeding for civil penalty as provided in subsection one (1) above, the corporation counsel may, where the owner or proprietor has failed to correct the violation(s) set forth in any notice or order issued pursuant to this chapter, bring such action or special proceeding as necessary to enjoin the owner from continuing to operate or maintain any business in violation of the terms of this article.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-183. - Enforcement.

The enforcement by the city of Syracuse of this article in the manner provided herein shall not be deemed to limit in any manner the city of Syracuse's authority to enforce the provisions of other federal, state and local laws, ordinances, rules and regulations against businesses covered by this article.

(Gen. Ord. No. 13-2014, 3-31-14)

ARTICLE 1. - GENERAL LICENSING PROVISIONS

Sec. 5-1. - Licenses required for amusement businesses and other activities.

No person, unless hereinafter exempted therefrom, shall engage in any of the following amusement business activities without first obtaining a license therefor in the manner provided in this chapter:

(a) The exhibition or maintenance of any:

Acrobatic performance;

Amusement center having coin-controlled devices, and the ownership or operation of such devices (amusement center games), as further provided in article 5 of this chapter;

Bingo, as further provided in article 7 of this chapter;

Circus, indoor or outdoor, as further provided in article 3 of this chapter;

Common showman;

Concert;

Curiosity, artificial or natural;

Dance (see "public dance" below);

Floor show;

Horsemanship, feats of;

Jukeboxes, as further provided in article 6 of this chapter;

Legerdemain, feats of;

Motion picture show;

Necromancy, feats of;

Opera performance;

Picture show;

Professional basketball or hockey;

Public dance, dancing or dancing school, as further provided in article 8 of this chapter;

Skating; or

Any other amusement for the public; and

(b) The opening or maintaining of any hall or rink for:

Dancing, as further provided in article 8 of this chapter;

Skating; or

Any other amusement for the public.

(c) Open-air-cultural event sponsored by a nonprofit organization to display and/or sell paintings, works of art, jewelry, handicraft, etc. (Food vendors are not permitted to operate under said license and must comply with chapter 14, article 4, Food Vendors, herein.)

(d) The commissioner of finance shall provide to a quarterly report, thirty (30) days after the preceding quarter, stating the number, location and type of new entertainment licenses granted by the city during the preceding quarter. In addition, the commissioner of finance shall file an annual report with the city clerk summarizing the year's activity concerning entertainment licenses.

(Gen. Ord. No. 17-1985, 4-15-85; Gen. Ord. No. 13-2002, 4-22-02; Gen. Ord. No. 20-2020, 6-22-20)

Sec. 5-2. - Business license exemptions; limitations.

(a) Unless otherwise required by ordinance of the common council, the licensing requirements of section 5-1 shall not apply in the following situations:

- (1) Concerts, exhibitions of paintings or statuary, musical parties, or theatrical performances given or made by citizens of the city who do not engage in such activities as or for a business or profession;
 - (2) Dancing parties or balls given for the purpose of charity, or other dances or dancing which are defined and treated in article 8 of this chapter as "private" not "public," and which are exempted by the provisions of said article 8 from payment of the license fee or permit fee therein required or from other licensing requirements;
 - (3) Persons hiring a professional music entertainer for a performance or music broadcast at their place of residence, consistent with the hours of operation allowed by the city's noise ordinance, shall be exempt from paying the license fee imposed herein so long as they are entertaining guests and not charging admission for such performance or entertainment.
- (b) Notwithstanding the exemptions provided in this section, all amusements herein exempted from the licensing requirements of section 5-1 shall be subject to the requirements which are otherwise made applicable thereto in this chapter.
- (c) Notwithstanding the exemption provided in this section, no person acting to benefit a charitable organization and who contracts to raise funds for a charitable organization shall be exempt from the licensing requirements of section 5-1 for any of the aforementioned events unless said person shall provide the commissioner of licenses with a copy of the agreement or a statement as to the financial arrangements, with the exhibitors, musical parties or theatrical performers who shall provide the entertainment for the fund raising event, or said person shall submit proof of registration as a professional fund raiser with the Secretary of State pursuant to Article 7A of the New York State Executive Law.
- (1) This paragraph shall not be applicable to a bona fide officer, volunteer or employee of a charitable organization.
 - (2) Definitions: *Person* in this paragraph is defined as "any individual, organization, group, association, partnership, corporation, or any combination of them".

Charitable organizations are defined as "any benevolent, philanthropic, patriotic, or eleemosynary person".

(Gen. Ord. No. 54-1993, 12-6-93; Gen. Ord. No. 23-2021, 7-12-21)

Sec. 5-3. - Additional approval and requirements where temporary structure to be used.

In cases where a temporary structure is to be used as defined and described in article 3 of this chapter, licenses under section 5-1 shall also require the signed approval of such other officials as provided in said article 3. Such licenses shall be subject to such other provisions as prescribed in said article 3.

Sec. 5-4. - Issuance of license.

Licenses required under section 5-1 shall be issued by the city clerk upon proper application executed on a form supplied by him, and upon payment to him of the fee prescribed in this chapter, after approval as provided in section 5-3 when such is required, and upon compliance with other applicable provisions of this chapter.

Sec. 5-5. - Contents of license.

Each license issued under section 5-1 shall include a specification of the object and length of time for which it has been issued.

Sec. 5-6. - License fees.

- (a) The amount of the fee for a license under section 5-1 shall be fixed by the common council at such amount as it deems proper, not exceeding the sum of three hundred dollars (\$300.00) for a single exhibition or single opening of a hall or rink.
- (b) The fees to be charged for such licenses not otherwise fixed by law be and are hereby fixed in accordance with the schedule set forth below; provided, however, that in the cases of persons obtaining licenses which run through the year where the fee therefor is fixed on an annual basis, those hereafter designated may have the privilege of paying said annual fee in installments of fifty (50) percent of said license in January and the remaining fifty (50) percent of said license on July 1, viz.:

Amusement center location	\$75.00 per year or fraction thereof for each center
Amusement center location, juke-box only	\$25.00 per year or fraction thereof for each center
Amusement devise (including juke-box)	\$25.00 per year or fraction thereof for each machine owned, payable in advance
Amusement operator's license	\$100.00 per year
Bingo	as provided in <u>section 5-82</u>

Circus of over 75 railroad cars or other vehicles	\$300.00 per day
Circus of over 50 railroad cars or other vehicles	\$200.00 per day
Circus of less than 50 railroad cars or other vehicles	\$100.00 per day
Concerts not otherwise provided for	\$15.00 per day (24 hours)
Dance permits—one night	\$10.00 each
Dancing in restaurant and hotel dining rooms with seating capacity of over 250	\$150.00 per year \$75.00 after July 1
Dancing in restaurant and hotel dining rooms with seating capacity of 150 to 250	\$125.00 per year \$62.50 after July 1
Dancing in restaurant and hotel dining rooms with seating capacity of 75 to 150	\$100.00 per year \$50.00 after July 1
Dancing in restaurant and hotel dining rooms with seating capacity of less than 75	\$75.00 per year \$37.50 after July 1
Exhibition not otherwise provided for	\$55.00 per day (24 hours)
Floor show or entertainment in restaurant and hotel dining rooms with seating capacity of over 250	\$300.00 per year \$75.00 after July 1
Floor show or entertainment in restaurant and hotel dining rooms with seating capacity of 150 to 250	\$250.00 per year \$125.00 after July 1
Floor show or entertainment in restaurant and hotel dining rooms with seating capacity of 75 to 150	\$200.00 per year \$100.00 after July 1
Floor show or entertainment in restaurant and hotel dining rooms with seating capacity of less than 75	\$150.00 per year \$75.00 after July 1
Floor show or entertainment in restaurant and hotel dining rooms (one night only)	\$10.00 per night
Indoor circuses not otherwise provided for	\$25.00 per day (24 hours)
Motion picture shows with seating capacity over 1,400	\$200.00 per year \$150.00 after July 1
Motion picture shows with seating capacity of 1,200 to 1,400	\$110.00 per year \$55.00 after July 1
Motion picture shows with seating capacity of 1,000 to 1,200	\$85.00 per year \$42.50 after July 1
Motion picture shows with seating capacity of 800 to 1,000	\$60.00 per year \$30.00 after July 1

Motion picture shows with seating capacity of 600 to 800	\$35.00 per year \$17.50 after July 1
Motion picture shows with seating capacity of less than 600	\$50.00 per year \$25.00 after July 1
Open-air-cultural event (see section 5-1, paragraph (c))	\$15.00 per day
Professional basketball or hockey	\$100.00 per year \$25.00 per day (24 hours)
Roller skating rink	\$150.00 per year \$25.00 per month
Theaters	\$150.00 per year \$75.00 after July 1

(c) Theater or stage productions may be staged by a holder of a motion picture license in the theater licensed without extra license fee.

(d) Any person exhibiting a circus or similar show within the limits of the city and paying a license fee therefor, as provided in this chapter, shall not be required to pay a fee for any permit for any parade upon the streets of the city incidental to such circus or similar show. In case such circus or similar show is not exhibited within the limits of the city and no license fee paid therefor to the city, then the person obtaining such permit for a parade upon the streets of the city shall pay, upon obtaining same, a fee therefor, the amount of which shall be fixed by the common council. Such permit shall be signed and issued by the city clerk and signed by the mayor.

(e) No person shall be required to pay in excess of one hundred fifty dollars (\$150.00) for licenses during any calendar year for concerts not otherwise provided for, or for theater or stage productions not otherwise provided for, or for dance permits—one night, regardless of the number of such daily activities engaged in by such person.

(Ord. of 12-24-62, § 1; Ord. of 6-8-64; Gen. Ord. No. 17-1985, § 4-15-85; Gen. Ord. No. 52-1987, 12-28-87; Gen. Ord. No. 51-1988, 12-12-88; Gen. Ord. No. 42-1992, 12-21-92; Gen. Ord. No. 5-1993, 1-11-93; Gen Ord. No. 20-2020, 6-22-20)

Sec. 5-7. - Expiration date of licenses.

Each license under section 5-1 where the fee is fixed at a stated amount per year shall expire on December 31 of the year or portion thereof for which such license is issued.

Sec. 5-8. - Supplemental applicability of article.

The provisions of this article relating, respectively, to amusement centers having coin-controlled devices, assemblages in temporary structures, bingo, bowling alleys, circuses, dances and dancing, and jukeboxes, shall be deemed to supplement, and to be supplemented by, the respective articles in this chapter which relate specifically to said types of amusements and assemblages.

EXHIBIT #12

Sec. 27-164. - Certificate of use required.

- (a) No proprietor shall operate or maintain a business within the city of Syracuse without first having obtained a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (b) No owner shall allow a business to be operated or maintained at the premises without requiring proprietor to obtain a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (c) Any business operating without a valid certificate of use shall be considered "unlawful" pursuant to the provisions of section 107.1.4 of the 2010 Property Maintenance Code of New York State and may be subject to immediate closure by the division of code enforcement.

(Gen. Ord. No. 13-2014, 3-31-14)

Exhibit 13

Examples of *unpermitted* Sidewalk Cafés not providing six-foot required passage



The York



Byblos Mediterranean Cafe

Exhibit 14

Examples of *permitted* Sidewalk Cafés not providing six-foot required passage



Saltine Warrior



Prime



Wild Will's

Exhibit 15

Examples of Sidewalk Cafés obstructing Fire Department Connections



Pronto Fresh



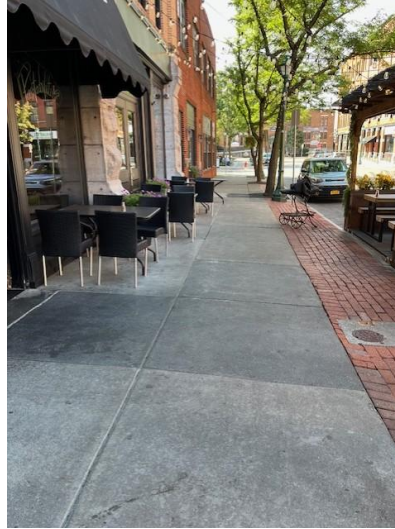
Pastabilities

Exhibit 16

Examples of Sidewalk Cafés not marking café corners



Pronto Fresh



Pastabilities

Exhibit 17

Examples of Sidewalk Cafés not having required barriers or fencing



Dinosaur BBQ



Margaritas



Pastabilities

Exhibit 18

Saltine Warrior was found to have permanently affixed their fencing to the City sidewalk using lag bolts



Exhibit 19

Example of Sidewalk Café with barriers or fencing taller than 42 inches



LM Social

SECTION 111-A

Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees

Alcoholic Beverage Control (ABC) CHAPTER 3-B, ARTICLE 8

§ 111-a. Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees. 1. The holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file an alteration application with the authority pursuant to subdivision one of section ninety-nine-d of this chapter for permission to add municipal public space that is either contiguous or non-contiguous to the licensed premises. Upon approval of such alteration application, such a licensee may exercise the privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on contiguous municipal public space or non-contiguous municipal public space provided:

- (a) the municipality in which the licensed premises is located issues a permit or the responsible municipal regulatory body or agency issues written authorization to the licensee to sell and/or serve food on such contiguous municipal public space or non-contiguous municipal public space;
- (b) the licensee submits to the liquor authority a copy of such municipal permit or other written authorization along with the alteration application;
- (c) the licensee submits to the liquor authority a copy of the permit

application submitted to the municipality to obtain the municipal permit or other written authorization from the municipality along with the alteration application;

(d) the licensee submits to the liquor authority a diagram depicting both the licensed premises and the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee with the alteration application;

(e) the licensee submits to the liquor authority proof that it has provided community notification to the municipality, including municipalities outside the city of New York, in a manner consistent with or required by subdivision two of section one hundred ten-b of this article as required for the city of New York;

(f) the licensee submits proof to the liquor authority that: (i) such licensee has obtained workers' compensation insurance for all employees, as required by the workers' compensation law; and (ii) such licensee has obtained general liability insurance to provide coverage against liability for injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal public space used by the licensee. The licensee shall maintain such general liability coverage during the term of its municipal permit or written authorization to use the contiguous municipal public space or non-contiguous municipal public space; and

(g) use of any such contiguous or non-contiguous municipal public space meets all applicable federal, state or local laws, rules, regulations, guidance, conditions or requirements.

2. For the purposes of this section: (a) "non-contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) does not extend further than the midline of any public roadway; (iv) is separated from the licensed premises only by one or more of the following: a pedestrian thoroughfare, a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions; and (v) otherwise complies with all applicable federal,

state and local requirements.

(b) "Contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) otherwise complies with all applicable federal, state and local requirements.

3. Licensees choosing to utilize non-contiguous municipal public space that includes a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions, shall post a sign or poster in said municipal outdoor space with conspicuous lettering in at least seventy-two point bold face font that states: "CAUTION: BICYCLE LANE" prior to and while utilizing any such municipal space for on-premises alcoholic beverage sales to patrons. Such licensees shall be solely responsible for production of and maintenance of such signage. Compliance by the licensee with the provisions of any local law requiring posting of warning signs regarding bicycle lanes enacted on or before the effective date of this section shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

4. If at any time the municipality revokes, cancels or suspends or otherwise terminates the licensee's authorization to use such contiguous municipal public space or non-contiguous municipal public space, the licensee shall immediately cease exercising the privilege to sell and/or serve alcoholic beverages at retail for consumption on such municipal public space. The licensee shall then file a new alteration application removing the municipal public space from its licensed premises. The failure to file a new alteration application with the authority within ten business days of the revocation, cancellation, suspension, or other termination by the local municipality of the licensee's authorization to use such contiguous or non-contiguous municipal public space shall be cause for revocation, cancellation, suspension and/or imposition of a civil penalty against the license in accordance with section one hundred eighteen of this article.

5. The authority may promulgate guidance, rules and/or regulations necessary to implement the provisions of this section. Notwithstanding

existing provisions of this chapter, the authority is authorized to provide simplified applications and notification procedures for licensees seeking to utilize municipal space for on-premises alcoholic beverage sales whenever possible or appropriate. Nothing in this section shall prohibit the authority from requesting additional information from any applicant seeking to use new municipal space or renewal of existing municipal space.



KATHY HOCHUL
Governor

LILY M. FAN
Chair

ADVISORY #2024-1

Subject: Addition of Outdoor Space to Licensed Premises and Newly Enacted ABCL 111-a (Effective 4/20/24)

The purpose of this advisory is to provide updated guidance to applicants and licensees regarding the use of outdoor space for the sale/service of alcoholic beverages as part of their licensed premises including outdoor municipal public space, as authorized by ABCL 111-a enacted and effective 4/20/24, which imposes added conditions on licensees using such space. Further, this Advisory hereby replaces Advisory 2022-19, which addressed COVID emergency circumstances.

New York City: Dining Out NYC Program

New York City launched the new Dining Out NYC program authorizing permit holders to use municipal public space for sale/service of food, including Roadway Cafes, Sidewalk Cafes or both. The NYC program requires all those seeking authorization to use such space for the sale/service of food to apply to the new Dining Out NYC program in order to obtain a new permit whether or not they had prior municipal authorization to use such space pursuant to the prior municipal program.

Obtaining a Dining Out NYC permit **does not** authorize the permitholder to sell/serve alcoholic beverages in this outdoor municipal public space, they must obtain authorization to do so from the Authority whether or not they had previous authorization, including pursuant to Advisory 2022-19, because Licensees must now obtain a Dining Out NYC permit and comply with the additional conditions required pursuant to ABCL 111-a.

After obtaining a Dining Out NYC permit, in order to add the permitted outdoor municipal public space to an existing premises licensed to serve/sell alcoholic beverages the licensee must:

File an Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application with the Authority, preferably within 90 days of obtaining a Dining Out NYC Permit, and obtain approval for the application altering the existing licensed premises to add the Dining Out NYC permitted space.

The following must be all included to be considered a complete application submission:

- an active Dining Out NYC permit for the identical space where added alcohol sale/service is sought
- a copy of the NYC Dining Out permit application including all supporting materials submitted therewith
- a diagram of the municipal public space permitted for use by the Dining Out NYC program that the application seeks to add to the existing Authority-licensed premises **to include a clear depiction of the placement of all seating and tables for dining which are required for use of this outdoor dining space to serve/sell alcoholic beverages. (Please note: The inclusion of a depiction of all seating and tables is required for outdoor dining spaces notwithstanding Advisory 2022-14 which remains in effect otherwise.)**
- proof of community board notification made not more than 270 days before the application filing in a manner consistent with that required pursuant to ABCL 110-b(2) for New York City **(Please note: The SLA is unable to issue an approval prior to the passage of 30 days from said notification including where notification is made at the same time/date of application filing.)**
- proof that the applicant has obtained workers' compensation insurance for all employees, as required by the workers' compensation law
- proof that the applicant has obtained general liability insurance to provide coverage against liability for injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal public space.

Given the application process requires submission of a valid, current Dining Out NYC permit, the Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application should not be filed with the Authority until after the Dining Out NYC permit is received.

Any applications missing a required document will be returned in their entirety.

If a Dining Out NYC permit is not issued, the outdoor municipal public space cannot be used by the applicant/licensee for the sale/service of alcoholic beverages and the application, if submitted to the Authority, will be disapproved.

Outdoor Municipal Public Space Programs Outside NYC

Licensees authorized through municipal programs outside New York City - whether by permit or other written authorization from the municipality in which the premises is located - to use contiguous or non-contiguous outdoor municipal public space to sell/serve food, and who also seek to continue or add the sale/service of alcoholic beverages in said space, **must also comply with newly enacted ABCL 111-a, effective 4/20/24, and obtain Authority approval.**

This requires **licensees to file an Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application** with the Authority illustrating compliance with ABCL section 111-a and obtain Authority approval.

The following must be included in the application submission:

- the active municipal permit or written authorization for the identical space where alcohol sale/service is sought to be added or continued in space previously authorized prior to the April 20, 2024, enactment of ABCL 111-a
- a copy of the municipal permit or written authorization application including all supporting materials submitted therewith
- a diagram of the municipal public space permitted for use by the municipal program that the application seeks to add to the existing Authority-licensed premises or continue to use **to include a clear depiction of the placement of all seating and tables for dining which are required for use of this outdoor dining space to serve/sell alcoholic beverages (Please note: The inclusion of a depiction of all seating and tables is required for outdoor dining spaces notwithstanding Advisory 2022-14 which remains in effect otherwise.)**
- proof of municipal notification made not more than 270 days before the application filing in a manner consistent with that required pursuant to ABCL 110-b(2) for New York City **(Please note: The SLA is unable to issue an approval prior to the passage of 30 days from said notification including where notification is made at the same time/date of application filing.)**
- proof that the applicant has obtained workers' compensation insurance for all employees, as required by the workers' compensation law
- proof that the applicant has obtained general liability insurance to provide coverage against liability for injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal public space.

Whether this is new space or an existing space operating pursuant to a prior municipal program and/or Advisory 2022-19, it is necessary to obtain and submit to the Authority a current permit or other written authorization from the municipality pursuant to their current outdoor municipal public space use program.

Given the application process requires submission of a valid, current municipal permit or written authorization, the **Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application** should not be filed with the Authority until **after** the municipal permit is received.

If the municipality does not provide such authorization, the outdoor municipal public space cannot be used by the applicant/licensee for the sale/service of alcoholic beverages and an application, if submitted to the Authority, will be disapproved.

Outdoor Space Under Applicant/Licensee Control (Owned, Leased, etc. – not municipal public outdoor space)

Please note: This space is not impacted by newly enacted ABCL 111-a so the process for adding or removing such outdoor dining space remains the same as prior to the enactment of ABCL 111-a. ABCL section 111-a addresses outdoor municipal public space, therefore, it is not applicable to space that is under the control of the applicant (owned, leased, etc.- not municipal public outdoor space). Licensees who already have outdoor space that is under their control (owned, leased, etc. – not municipal public outdoor space) as part of their existing SLA licensed premises do not need to do anything as a result of this new legislation and can continue to operate as licensed.

Applicants/Licensees who seek authorization to serve/sell alcoholic beverages in outdoor space that is **under their control** (owned, leased, etc. - not municipal public outdoor space) and **contiguous** to their indoor licensed premises must continue to do the following when seeking use of their outdoor space:

- *New premises* - Applicants must **include** the outdoor contiguous space controlled by the applicant (owned, leased, etc.) that they seek authorization to use as part of the licensed premises **in the original license application** and gain approval from the Authority.
- *Existing premise seeking to add outdoor space under their control (owned, leased, etc.)* - An **Alteration Application** must be filed with and approved by the Authority where a licensee is seeking **to add** contiguous outdoor space that is controlled (owned, leased, etc.) by the licensee to their existing licensed premises.
- Please note an **Alteration Application** is used when seeking the addition of licensee controlled outdoor space (owned, leased, etc.) to an existing premises **not** an **Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application**.

Outdoor space that is not controlled by the applicant/licensee (owned, leased, etc.) and/or that is not contiguous cannot be included in the licensed premises except as specifically authorized herein pursuant to an applicable municipal public outdoor space program described above.

Applicable to both Dining Out NYC and Municipal Public Space Programs Outside NYC:

Outdoor Municipal Public Space Permit revocation, cancellation or suspension: If at any time a Dining Out NYC permit or other municipal authorization is not in effect, such as if the municipality revokes, cancels, suspends or otherwise terminates the licensee's authorization for use of said municipal public space the licensee must:

- immediately cease the sale and/or service of alcohol in the municipal public space
- file a new **Alteration for Adding or Removing Contiguous and/or Non-Contiguous Municipal Public Space Application** removing the municipal public space from the licensed premises within 10 business days of the municipality's termination of authorization for use of the space.
- ***Failure to file such application removing the space within 10 days shall be cause for revocation, cancellation, suspension and/or imposition of a civil penalty against the license in accordance with ABCL 118.***
- Upon approval of this application the licensee has 90 days to satisfy and submit any conditions of approval and complete the approved alteration.

Applicable to All Added Outdoor Space:

Any licensee that has a **license condition prohibiting the use of outdoor space** may not add outdoor space, municipal or otherwise, except after **application and approval for a change in method of operation**. The application for a change in method of operation can be filed simultaneously with the application to add outdoor space.

For purposes of this advisory, a license condition prohibiting the use of outdoor space means: a) a condition imposed by the Members of the Authority at a Full Board meeting; or b) a condition in a stipulation with the licensee's municipality that was submitted as part of their application.

Bathroom Requirement Waiver requests: The outdoor seating space will be considered when assessing waiver requests.

Outdoor dining spaces at the licensed premises are not for use for the consumption of To-Go alcohol purchases from that or any other establishment.

Compliance for All Added Outdoor Spaces:

Licensees adding outdoor space to their premises must comply with all state, federal and local laws, rules, regulations and guidance, including ABCL section 111-a, as related to the use of municipal public outdoor space. **This includes provisions of ABCL section 111-a related to signage for non-contiguous outdoor municipal public space involving bicycle lanes.**

Any outdoor space authorized by the Authority for use – whether part of a municipal program or pursuant to licensee's control of the space (ownership, lease, etc.) – **is deemed part of the licensed premises** and is subject to any and all conditions, stipulations, laws, rules and regulations governing the licensed premises. This includes, but is not limited to, any conditions imposed by the municipality and/or those imposed by the Authority when the original or alteration application was approved.

Further, since the outdoor space added pursuant to an application approval is deemed part of the licensed premises, **violations occurring related solely to the outdoor space subjects**

the Authority issued license – for **both** the indoor and outdoor spaces – **to disciplinary action** with potential penalties to include license suspension, cancelation or revocation.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 7, 2024 before Chair Lily Fan, Commissioner Edgar De Leon, and Commissioner John Maya. The above written advisory was approved by Chair Fan on behalf of the Members of the Authority on August 16, 2024.

Dated: 08/16/24

A handwritten signature in dark ink, appearing to read "Donald Roper", with a stylized flourish at the end.

Donald Roper
Secretary to the Authority

ALTERATION FOR ADDING OR REMOVING CONTIGUOUS AND/OR NONCONTIGUOUS MUNICIPAL PUBLIC SPACE

On-Premises Establishment

This application must be emailed to the State Liquor Authority at:
municipalspace@sla.ny.gov

NO FEE IS REQUIRED

This application must be accompanied by the following:

- ☐ A copy of a permit or written authorization to sell and/or serve food on such contiguous or non-contiguous municipal space provided by their municipality
- ☐ A copy of the permit application submitted to the municipality to obtain such municipal permit
- ☐ A diagram depicting both the licensed premises and the contiguous and/or non-contiguous municipal space to be used by the licensee. The diagram must include seating.
- ☐ Completed proof of the mailing or delivery of the Standardized Notice Form for providing notice to the Community Board municipality for adding contiguous and/or non-contiguous space.
- ☐ Proof of workers compensation insurance for all employees
- ☐ Proof of liability insurance to provide coverage for "injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal public space used by the licensee."
- ☐ Photographs of the newly added areas including seating, showing they are ready to open and operate.

"Contiguous municipal space" is defined as space that:

- i) is located in front of, behind, or to the side of the licensed premises; and*
- ii) is within the property boundaries of the licensed premises as extended out - or within the property boundaries of the nearest adjacent properties on either side; and*
- iii) otherwise complies with all applicable federal, state and local requirements.*

"Non-contiguous municipal space" is defined as space that:

- i) is located in front of, behind, or to the side of the licensed premises; and*
- ii) is within the property boundaries of the licensed premises as extended out - or within the property boundaries of the nearest adjacent properties on either side; and*
- iii) does not extend further than the mid-line of any public roadway; and*
- iv) is separated from the licensed premises only by one or more of the following: a pedestrian thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions; and*
- v) otherwise complies with all applicable federal, state and local requirements.*

Licensees choosing to utilize non-contiguous municipal public space that includes a bike lane as part of their licensed premises now have a statutory requirement to post warning signs for their customers in that space prior to and while utilizing the space for service of patrons, in at least seventy-two point bold face type font, that states:

"CAUTION: BICYCLE LANE"

Alcoholic beverages may not be kept or sold in any added space until the Alteration is approved.

ALTERATION FOR ADDING OR REMOVING CONTIGUOUS AND/OR NON-CONTIGUOUS MUNICIPAL PUBLIC SPACE

This application must be emailed to the State Liquor Authority at: municipalspace@sla.ny.gov

NO FEE IS REQUIRED

The licensee named below hereby requests the permission of the State Liquor Authority to add contiguous and/or non-contiguous space to the licensed premises as set forth below.

License ID #: County: Phone #:

Full name of Licensee as listed on the License:

Trade Name (DBA) as listed on the License:

Address of the Licensed Premises:

City: Zip Code:

Business Email Address:

Post Office/Mailing Address (if different than premises):

Describe contiguous and/or non-contiguous space to be added or removed (describe all changes fully. If more space is needed, attach additional sheets):

APPLICATION FOR PERMISSION TO MAKE ALTERATIONS FOR ADDING CONTIGUOUS AND/OR NON-CONTIGUOUS SPACE

Provide the dimensions of the space to be added:

The undersigned, each for himself, certifies that he/she is the applicant above named; that he/she knows the contents of the above application and the statements contained therein and the same are true of his/her own knowledge.

(Print Name)

certifies that he/she is

(Title)

of the above named applicant corporation; that he/she knows the contents of the above application and the statements and answers therein; that the same are true of his/her knowledge; that he/she has been authorized, by order of the Board of Directors of said applicant corporation to make the statements and answers in this application on behalf of said applicant corporation with the same force and effect as if said corporation made such statements and answers itself. The undersigned also certifies that he/she will meet all local code requirements of the municipality in which the premises is located and obtain any necessary permits required of him/her in order to perform the alteration within the boundaries of the law.

(Signature of Authorized Principal and/or each Partner)

(Date)

[OFFICE USE ONLY]

DATE FILED:

SERIAL #:

Approved

☐

Disapproved

☐

License Board Member

Date

OFFICE USE ONLY	
☐ Original	☐ Amended Date _____

ESTABLISHMENT QUESTIONNAIRE

In this section you must describe the premises to be licensed. Answer ALL questions completely. Please do not answer "see attached" to any question. Any incomplete answer may delay or prevent the processing of the application.

Helpful Hint: Drawing your diagram and reviewing your photographs may assist you in completing this section.
See sample diagrams at the end of this application.

1. Zoning

1a. State what the area is zoned for:
 (e.g., Residential, Business, Mixed etc.)

1b. Does the premises have a **VALID CERTIFICATE OF OCCUPANCY**
 and **ALL** appropriate permits?

☐ Yes ☐ No ☐ Pending

2. Premises

2a. Describe the type of building in which the premises
 will be located.

2b. Is or has the building/proposed premises been known by any other address?

☐ Yes ☐ No

If YES, please specify:

If the address was changed due to a 911 update or other government action, please include documentation for the change.

2c. Is there currently an active license or has there ever been a license to traffic
 in alcoholic beverages at this location?

☐ Currently Licensed ☐ Previously Licensed ☐ Never Licensed ☐ Do Not Know

Name of Licensee:

License Serial Number:

2d. Are there any disciplinary actions pending against the applicant, current licensee or prior licensee?

☐ Yes ☐ No ☐ Do Not Know

Any pending disciplinary action may delay a determination on this application or result in the disapproval.

2e. If the proposed premises has never been licensed, what was the prior use?

2f. Is any other floor or area of the building currently licensed?

☐ Yes ☐ No

Name of Licensee:

License Serial Number:

OFFICE USE ONLY	
☐ Original	☐ Amended Date _____

3. Premises (interior):

3a. List the total number of floors of the business establishment to be licensed, including the basement:

3b. List the floor(s) where the proposed premises will be located:
(e.g., basement, ground floor, 2nd & 3rd floor, etc.)

3c. Where is the alcohol stored?

3d. Is there interior access to any other floor(s) or area(s) that will not be part of the premises to be licensed?
If yes, show the means of access on the interior diagram(s).

☐ Yes ☐ No

3e. Are the premises to be licensed divided in any way, by a public or private passageway, over which the applicant does not have exclusive possession and control?
(e.g., hallway, stairwells, common areas, etc.)

☐ Yes ☐ No

If YES, describe:

3f. How many public restrooms? If less than two (2) public restrooms, you must request a waiver of the two (2) restroom rule in writing. Please show restrooms on diagram.

3g. List the maximum occupancy of the premises: 3h. Number of tables?

3i. Number of seats at tables? 3j. Number of seats at bar or counter?

4. Bars:

4a. How many customer bars are located on the premises?
(a customer bar is where patrons may order, purchase or receive alcoholic beverages)

4b. How many service bars? (a service bar is for wait staff use exclusively)

4c. Describe each bar in the fields below:

Bar 1

Bar Type:
Length:
Shape:
Location:

Bar 2

Bar Type:
Length:
Shape:
Location:

Bar 3

Bar Type:
Length:
Shape:
Location:

(If the location of your bar is not listed as a choice in the drop-down menu, please type in your answer.)

Attach additional sheets if there are more than 3 bars.

OFFICE USE ONLY	
☐ Original	☐ Amended
Date	_____

5. Kitchen:

5a. Does the premises have a full kitchen? ☐ Yes ☐ No

If NO, does the premises have a food preparation area? ☐ Yes ☐ No

Show Kitchen or Food Prep Area on the Interior Diagram

NOTE: FOOD MUST BE AVAILABLE FOR SALE DURING ALL HOURS OF OPERATION; SUBMIT A MENU

5b. Is a chef/cook employed at the premises? ☐ Yes ☐ No

If YES, please list hours of day chef/cook will devote to the premises:

6. Hotel or Bed & Breakfast:

6a. How many floors?

6b. How many guest rooms?

6c. For Hotels Only: Is there a public restaurant on the hotel premises? ☐ Yes ☐ No

7. Outdoor Areas:

7a. Are there any outside areas used for the sale or consumption of alcohol? ☐ Yes ☐ No

7b. If YES, what is the outside occupancy?

7c. Check all types that apply:
(there must be direct access from the interior of the premises to any outdoor area(s) that you wish to license. Show access on diagram)

- | | | | | |
|---|-------------------------------|----------------------------------|-----------------------------------|---------------------------------|
| ☐ Sidewalk Cafe | ☐ Deck | ☐ Patio | ☐ Porch | ☐ Gazebo |
| ☐ Rooftop | ☐ Yard | ☐ Balcony | ☐ Pavilion | ☐ Tent |
| ☐ Other (describe): <input type="text"/> | | | | |

7d. Is the outdoor area(s) divided by any public or private passageway or area that the applicant does not have exclusive control? ☐ Yes ☐ No

If YES, how is it divided?

7e. How is the outdoor area(s) contained? Check all that apply and show enclosure on diagram.

- | | | | | |
|---|-------------------------------|------------------------------------|---------------------------------|-------------------------------------|
| ☐ Fencing | ☐ Wall | ☐ Shrubbery | ☐ Roping | ☐ Stanchions |
| ☐ Other (describe): <input type="text"/> | | | | |

7f. Is a permit required by the locality for outside area(s)? ☐ Yes ☐ No

If yes, submit a copy of the permit.



Standardized NOTICE FORM for Providing Notice to a Local Municipality for Adding or Removing Contiguous and/or Non-Contiguous Municipal Space

1. Date Notice Was Sent: 1a. Delivered by:
2. This form must be submitted to the clerk or Local Municipality when filing to alter contiguous and/or non-contiguous municipal space

This Notice is Being Provided to the Clerk of the following Local Municipality

3. Name of Municipality:

Licensee Information

4. License ID Number:

6. License name:

7. Trade Name (if any):

8. Street Address of Establishment:

9. City, Town or Village: ,NY Zip Code :

10. Business Telephone Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

12. Describe municipal space to be added:

12a. What date did you apply for a municipal permit?

Representative or Attorney representing the licensee

13. Representative/Attorney's Full Name:

14. Street Address:

15. City, Town or Village: State: Zip Code :

16. Business Telephone Number of Representative/Attorney:

17. Business Email Address :

I am the licensee that is applying for the permit and I certify that I know the contents of the above application and the statements and answers therein; that the same are true to my knowledge; that I have been authorized, by order of the Board of Directors of said licensee to make the statements and answers in this application on behalf of said licensee with the same force and effect as if said licensee made such statements and answers itself.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

18. Printed Name: Title

Signature: X

The above captioned on-premises licensee is applying for an alteration to their existing license with the State Liquor Authority to sell alcoholic beverages on municipal space.

**Please forward any concerns regarding the issuance of the alteration to the attention of
The New York State Liquor Authority by e-mail community@sla.ny.gov**

APPLICANT'S STATEMENT

I, [print name] _____

(the ☐ sole proprietor , ☐ partner , ☐ corporate principal or ☐ LLC/LLP member)

understand that the State Liquor Authority will rely on each and every answer in the application and accompanying documents in reaching its determination and state, under penalty of perjury, that all statements and representations therein are true to the best of my knowledge and belief; and

I state that the location and description of the premises to be licensed does not violate any requirement of the ABC law or other applicable Federal, State, or local laws, rules, regulations, conditions or requirements; and

I understand that if any change occurs in the information provided to the Authority in the application, the licensee must notify the Authority by certified mail within 48 hours and if any change occurs after receipt of the license, the licensee must notify the Authority by certified mail within 10 days. I understand that failure to give such notice may result in disapproval of the application or revocation or non-renewal of any license for which this application is submitted; and

I understand that the licensee will be bound by the statements and representations made in the application, including, but not limited to the licensee's method of operation and the identity of persons with an ownership or financial interest in the licensed premises; and that all statements and representations made become conditions of the license; and

I understand that any physical alterations to, or changes to the size of the area used for the sale and consumption of alcoholic beverages, must be reported to the Authority and may require the approval of the Authority; and

I understand that the licensee must keep the Authority advised of any change in the mailing addresses of the licensee, the licensee's principals, and the licensee's landlord.

I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the application may result in revocation of any license for which the application was submitted; and

I understand that any false statement or misrepresentation will constitute cause for disapproval of the application or revocation or non-renewal of any license for which this application is submitted.

Signature

Date



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Affidavit of Owner/Manager for the Sidewalk Café Permit

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, [REDACTED], being duly sworn, say:

1. I am the owner of WILD WILDS in Syracuse, NY.
(title/relationship to establishment) (establishment)

I am authorized by WILD WILDS to make the following representations to the City of Syracuse.
(establishment)

2. I make this Affidavit to induce the City of Syracuse to issue a Sidewalk Café Permit to WILD WILDS
(establishment)
and recognize that the City of Syracuse is relying on my representations in issuing such permit.

3. That WILD WILDS is licensed and authorized by the New York State Liquor Authority to serve alcohol in
(establishment)
the outdoor area more fully described in the site plan submitted in the application for the Sidewalk Café Permit. A copy of WILD WILDS liquor license, which originally included the area or has been amended to
(establishment)
include the café area, and which is in full force and effect, is attached.

Section below to be completed in the presence of Notary Public:

Applicant Signature [REDACTED] Date: 3/25/25

Duly sworn to before me on this 25th Day of March, 2025



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Affidavit of Owner/Manager for the Sidewalk Café Permit

STATE OF NEW YORK)

) ss.:

COUNTY OF ONONDAGA)

[REDACTED] being duly sworn, say:

1. I am the President of The Limerick Pub in Syracuse, NY.
(title/relationship to establishment) (establishment)

I am authorized by The Limerick Pub to make the following representations to the City of
Syracuse. (establishment)

2. I make this Affidavit to induce the City of Syracuse to issue a Sidewalk Café Permit to The Limerick Pub,
(establishment)
and recognize that the City of Syracuse is relying on my representations in issuing such permit.

3. That The Limerick Pub is licensed and authorized by the New York State Liquor Authority to serve alcohol in
(establishment)

the outdoor area more fully described in the site plan submitted in the application for the Sidewalk Café Permit. A
copy of The Limerick Pub liquor license, which originally included the area or has been amended to
(establishment)

include the café area, and which is in full force and effect, is attached.

[REDACTED] Date: 4/1/2025

Duly sworn to before me on this 1st Day of April, 20 25

AFFIDAVIT OF OWNER/MANAGER - Sidewalk Café Permit

STATE OF NEW YORK)
)ss.:
COUNTY OF ONONDAGA)

 being duly sworn, say:

1. I am the Owner of
(title/relationship to establishment – i.e., owner/manager)
The Fish Friar in Syracuse, NY and I am authorized by
(establishment)
The Fish Friar to make the following representations to the City of
(establishment)

Syracuse.

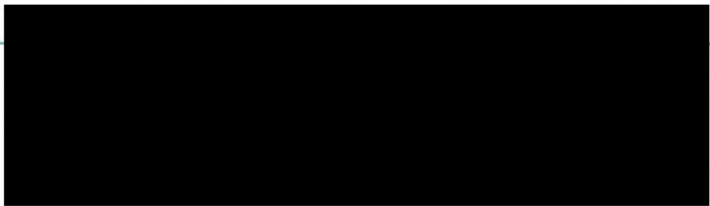
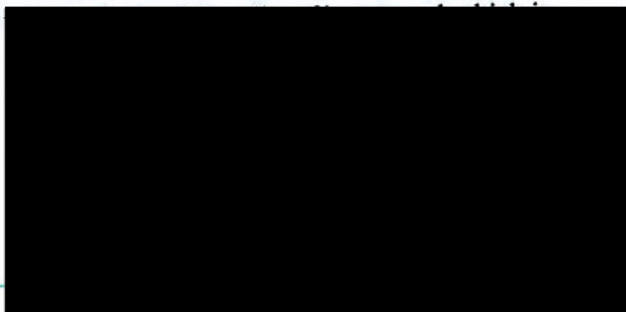
2. I make this Affidavit to induce the City of Syracuse to issue a Sidewalk Café Permit to
The Fish Friar and recognize that the City of Syracuse is relying
(establishment)

on my representations in issuing such permit.

3. That The Fish Friar is licensed and authorized by the New York State Liquor Authority
(establishment)
to serve alcohol in the outdoor area more fully described in the site plan submitted in
application

for the Sidewalk Café Permit. A copy of The Fish Friar liquor license which
(establishment)

originally included the area or has been amended
in full force and effect, is
attached.



AFFIDAVIT OF OWNER/MANAGER

STATE OF NEW YORK)
)ss.:
COUNTY OF ONONDAGA)

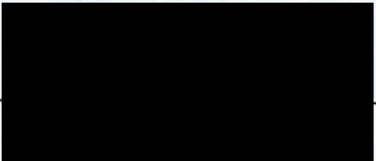
I, , being duly sworn, say:

1. I am the owner of
(title/relationship to establishment – i.e., owner/manager)
The Evergreen in Syracuse, NY and I am authorized by
(establishment)
The Evergreen to make the following representations to the City of
(establishment)

Syracuse.

2. I make this Affidavit to induce the City of Syracuse to issue a Sidewalk Café Permit to
The Evergreen and recognize that the City of Syracuse is relying (establishment)
on my representations in issuing such permit.
3. That 125 East Water LLC / dba The Evergreen is licensed and authorized by the New York State Liquor Authority
(establishment) to serve alcohol in the outdoor area more fully described in the site plan submitted in
application for the Sidewalk Café Permit. A copy of 125 East Water LLC liquor license which
(establishment)

originally included the area or has been amended to include the sidewalk café area, and which is
in full force and effect, is attached.

X 

AFFIDAVIT OF OWNER/MANAGER

STATE OF NEW YORK)
)ss.:
COUNTY OF ONONDAGA)

I, [REDACTED] being duly sworn, say:

1. I am the OWNER of
(title/relationship to establishment – i.e., owner/manager)

Alto Cinco in Syracuse, NY and I am authorized by
(establishment)

Alto Cinco to make the following representations to the City of
(establishment)

Syracuse.

2. I make this Affidavit to induce the City of Syracuse to issue a Sidewalk Café Permit to

Alto Cinco and recognize that the City of Syracuse is relying (establishment)

on my representations in issuing such permit.

3. That Alto Cinco is licensed and authorized by the New York State Liquor Authority
(establishment) to serve alcohol in the outdoor area more fully described in the site plan submitted in
application for the Sidewalk Café Permit. A copy of Alto Cinco liquor license which
(establishment)

originally included the area or has been amended to include the sidewalk café area, and which [REDACTED]
in full force and effect, is attached. [REDACTED]



Outlook

[EXTERNAL] RE: [EXTERNAL] RE: SLA Licensing Question in Syracuse

From Gough, Jason (SLA) <[REDACTED]>

Date Mon 9/22/2025 11:32 AM

To Madden, Kyle <[REDACTED]>

Good morning Kyle-

Thanks for reaching out on this. To answer your question, thankfully for everyone, once an outdoor dining/municipal space alteration has been approved, it simply becomes part of a licensee's space. They can use it anytime (provided they have the City's approval) and it'll be considered as their licensed premises for the 2-year renewals going forward.

That said, none of those City-approved spots has filed with/been approved by us for said outdoor dining. I have forwarded this information to Enforcement for their review and ask that any issued violations (codes or otherwise) issued by the City be forwarded to enforcement@sla.ny.gov as well.

Please let me know if you have any questions, we're here to help however we can.

Jason Gough

Zone 2 Regional Director

State Liquor Authority

Alfred E. Smith Office Building, Suite 900

80 South Swan Street, Albany, NY 12210-8002

[REDACTED] | [REDACTED]
www.sla.ny.gov

[Facebook](#) | [Instagram](#) | [X](#)

Exhibit 25

Examples of goods being sold on City sidewalks



Appliance King, N. Salina St.



Boom Babies, Westcott St.



RE: Selling on Sidewalks

From Moore, Bob [REDACTED]

Date Fri 9/19/2025 5:05 PM

To Madden, Kyle [REDACTED]

Cc Marion, Alexander [REDACTED]

Hello Kyle,

I'm sorry for the late response today. We would have the business submit a liability waiver application which has a \$75.00 non-refundable permit application fee. For that type of Liability Waiver request there wouldn't be an additional inspection fee.

Take Care
Bob

Bob Moore

Right-of-Way Coordinator

City of Syracuse

Central Permit Office

300 S State St.

Syracuse, NY 13202



www.syr.gov.net





CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Liability Waiver Permit Application Packet

Overview: The Liability Waiver Permit is required for the closure or partial closure of a street or sidewalk for work occurring in the Right-of-Way (R.O.W.) in the City of Syracuse. R.O.W. is defined as the land and facilities that are maintained and regulated for public use, typically roads and sidewalks and the utilities and amenities on, under, or above them.

Contents:

Permit Requirements:	1
Application Checklist:	1
Submittal and Payment Instructions:	1
Liability Waiver Permit Application	2
Liability Waiver Work Form	4
Liability Waiver Permit Fees Table	5

Permit Requirements:

- Application and documents must be submitted 10 days prior to construction.
- The Liability Waiver Work Form must be completed to determine applicable non-refundable fees. For a complete list of fees associated with the Liability Waiver Permit, see page 5.
- If metered parking spaces are affected by work, the applicant must complete and submit the Parking Meter Rental Application with the Liability Waiver Permit Application submission.

Application Checklist:

- ☐ Completed Liability Waiver Permit Application.
- ☐ Completed Liability Waiver Work Form.
- ☐ Completed Parking Meter Rental Permit Application (if applicable).
- ☐ Insurance Certificate from Contactor, in the amount of \$1 million for General Liability, listing the City of Syracuse as additionally insured.
- ☐ Temporary Traffic Control (TTC) Plan:
 - Must show all traffic control devices being used (signage, cones, barricades, etc.), as well as how the applicant will block off the street or sidewalk where the work is occurring.
 - Must show how the applicant plans to route pedestrian/vehicular traffic around the work.
 - Must show dimensions of street/sidewalk left open to pedestrian/vehicular traffic.
 - Must be in accordance with the Federal Manual of Uniform Traffic Control Devices (MUTCD) most recent edition.

Submittal and Payment Instructions:

1. Application must be completed in its entirety. Incomplete applications will not be processed.
2. Upon submission, an invoice will be sent to the applicant and must be paid before the permit is issued. Payment must be made by Check or Money Order payable to the Commissioner of Finance.
3. Application and all materials must be submitted to the **Central Permit Office, One Park Place, 300 S. State St., Syracuse, NY 13202**. If you have questions or concerns about the permitting process or requirements, please contact 315-448-4754 or permits@syr.gov.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Liability Waiver Permit Application:

Company Name: _____

Address: _____

Contact Name: _____

Home Phone: _____

Cell Phone: _____

Fax: _____

Email: _____

Request (check all that apply):

_____ Partial Street Closure

_____ Full Street Closure

_____ Dumpster

_____ Partial Sidewalk Closure

_____ Full Sidewalk Closure

_____ Cranes In-Transit

_____ Concession Stand

_____ Lift Truck, Window Washer

_____ Item on Sidewalk

_____ Other: _____

For a partial sidewalk closure or item on sidewalk, the applicant must verify there is 3 feet of uninterrupted sidewalk space for pedestrians.

For a dumpster, the Waste Hauler must be licensed to operate in the City of Syracuse pursuant to the [City of Syracuse Solid Waste Collection and Disposal Ordinance](#).

Waste Hauler Business Name: _____

Location: _____

Task to Perform: _____

Start Date: _____

End Date: _____

Start Time: _____

End Time: _____



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Applicant's Signature: _____ Date: _____

Please Print Name: _____

FOR OFFICE USE ONLY

Date Received: _____

TTC Plan Attached: ____ Yes ____ No

Insurance Certificate Attached: ____ Yes ____ No

Expiration Date: _____

Workers Compensation Included: ____ Yes ____ No

Expiration Date: _____

Date TTC to DOT for review: _____

Date TTC back from review: _____

Comments: _____

Waste Hauler Information: _____

Waiver #: _____



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Liability Waiver Work Form:

Project Name: _____

Project Location: _____

Contractor: _____

Start Date: _____ End Date: _____

Construction Type	Applicable	Dimensions
WORK ZONE TRAFFIC CONTROL & CONSTRUCTION STAGING		
Dumpster	Yes or No	_____ Number of Dumpsters
Construction Trailer	Yes or No	_____ Number of Trailers
Machinery	Yes or No	_____ Number of Machines
Materials Staging	Yes or No	_____ Square Feet
Advertising Signs	Yes or No	_____ Number of Signs
Scaffolding	Yes or No	_____ Linear Feet Per Story _____ Number of Stories
STREET PARKING		
Are City of Syracuse Metered Parking Spaces impacted by the construction?	Yes or No	If yes, the applicant needs the Parking Meter Rental Permit
Temporary Removal of Existing Parking Meters	Yes or No	_____ Number of Parking Meters

CERTIFICATION:

I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws. I understand that incorrect or erroneous information may be grounds for rejection of the Right-of-Way Permit Application and subject to the City of Syracuse Right-of-Way Violations Fine Fee Schedule.

Signature: _____

Date: _____

Name: _____

Title: _____

Address: _____

Phone Number: _____



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Liability Waiver Permit Fees Table:

WORK ZONE TRAFFIC CONTROL & CONSTRUCTION STAGING		
Type	Fee	Notes
Dumpster	\$100 Non-Refundable	Assessed per dumpster, occupying the R.O.W. per 14-day period
Construction Trailer	\$100 Non-Refundable	Assessed per trailer, occupying the R.O.W. per 14-day period
Machinery	\$100 Non-Refundable	Assessed per machine or equipment, occupying the R.O.W. per 14-day period
Materials Staging	\$500 Non-Refundable	Assessed per 150 sq ft occupying the R.O.W. per 14-day period
Advertising Signs	\$500 Non-Refundable	Assessed per sign promoting company or business or similar, installed within the R.O.W.
Scaffolding	\$10 (\$100 minimum) Non-Refundable	Assessed per linear foot per story, installed within the R.O.W. per 14-day period
Note: The minimum assessment is 14 days, thereafter the assessment is based on additional 14-day increments, based on provided start / end date. Assessment for use and occupation of the City R.O.W. is based on permanent (24 hours) encumbrance of any area of the R.O.W. within the 14-day period. Machinery, equipment, materials removed daily from the R.O.W. are not assessable.		
STREET PARKING		
Current Parking Space	\$18 per day per parking space (one-day minimum) Non-Refundable	Excluding Sundays and holidays
Temporary Removal of Existing Parking Meters	\$1,500 Non-Refundable	Per Meter

Note: For fees tied to dimensions, all measurements shall be rounded up to the nearest whole number, and payment shall be made on this basis.

All Right-of-Way Permits are subject to the Violations in the Right-of-Way Violation Table. Please visit syr.gov/right-of-way for more information.

Exhibit 28

Examples of advertising signs on City sidewalks



Sec. 7-14. - Other improper posting.

No person shall attach or fasten to or in any manner connect with any tree, lamp, lamppost, electric light, telephone pole, hydrant, or box covering the same, or place on any building whatever belonging to the city or in or upon any of the parks, trees, lanes or alleys of the city any bill, placard, poster, notice, letters, pictures or characters of any kind, or any article of goods or merchandise, for the purpose of advertising.



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Bill Posting License Instructions

Overview: This license is required for any person or entity posting or carrying advertising boards, signs, or placards in the city right-of-way, typically for the purpose of advertising. For more information, [click here to read the Ordinance](#).

Application Contents:

- License Requirements
- Application Checklist
- Submittal Instructions
- Bill Posting License Application, pages 2 to 3

License Requirements:

- The license must be renewed every year and expires on December 31 of the year issued.

Application Checklist:

- ☐ Completed Bill Posting License Application (pages 2 to 3). The application must be signed in the presence of a notary public.
- ☐ \$50 Application Fee. Check or Money Order payable to Commissioner of Finance.
- ☐ Copy of Applicant's Photo Identification: Driver's License, Passport or equivalent.

Submittal Instructions:

1. Application must be completed in its entirety. Incomplete applications will not be processed.
2. Application, fee, and document must be submitted to:

City of Syracuse, Central Permit Office

One Park Place

300 South State St.

Syracuse, NY 13202

315-448-8474 | Licensing@syr.gov



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

Bill Posting License Application

Business Name: _____

Applicant Name: _____ Date of Birth: _____

Applicant Phone: _____

Home Address: _____

Business Address: _____

Business Phone: _____

Is your Business one of the following (circle one)? Corporation / Partnership / Association / Firm

If yes, list all principal officers including their addresses, phone numbers, titles, and dates of birth:



CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

The undersigned _____ does hereby apply to the License Commissioner of the City of Syracuse, State of New York, for a Bill Posting License pursuant to the Revised General Ordinances of the City of Syracuse.

Indemnification Statement

Upon issuance of this license, the applicant agrees to indemnify, defend, and hold harmless the City of Syracuse, its officers, agents, and employees from and against all damages, claims costs, or expense arising from the issuance of this license, provided that such damage, claim cost or expense is attributable to bodily injury, sickness, disease, or death or damage to property. This indemnity shall survive the expiration and/or termination of this license.

Section below to be completed in the presence of Notary Public:

Applicant Signature _____ Date: _____

Duly sworn to before me on this ____ Day of _____, 20____,

by _____.
Applicant Name

SEAL/STAMP

Notary Public Print Name



DEPARTMENT OF NEIGHBORHOOD & BUSINESS DEVELOPMENT

CITY OF SYRACUSE, MAYOR BEN WALSH

Commissioner
Michael Collins

**Deputy Commissioner of
Neighborhood Development**
Michelle Sczpanski

**Deputy Commissioner of
Business Development**
Eric Ennis

**Deputy Commissioner of
Code Enforcement**
Jacob Dishaw

**Deputy Commissioner of
Planning and Sustainability**
Owen Kerney

Office of the City Auditor
233 E. Washington Street
Room # 433
Syracuse, NY 13212

**RE: Department of Neighborhood and Business Development Response Letter to
City of Syracuse Auditor Sidewalk Café Permits Audit**

Auditor Marion,

The Department of Neighborhood and Business Development would like to thank you and your staff for their time and dedication to the audit of Sidewalk Cafe Permits. Our department has been committed to continuous improvements throughout our functions and policies that will help us to better serve our constituents; we look forward to continuing this work with our Sidewalk Cafe Permits function.

This letter acknowledges the receipt of the City of Syracuse Auditor's audit of Sidewalk Cafe Permit operations by the Department of Neighborhood and Business Development (NBD). NBD has reviewed the Auditor's findings and recommendations. The Central Permit Office, in collaboration with the Mayor's Office, Department of Public Works, Fire Department and the Police Department will work to address the recommendations noted in the report.

**Department of Neighborhood
& Business Development**
300 South State Street
7th Floor
Syracuse, NY 13202

Office 315 448 8100

Recommendation #1: Rename Permit “Sidewalk Service Permit” and Overhaul Fee Structure; Create Clear Categories Distinguishing Between Daytime Cafés, Evening Bars, and Late-Night Clubs

Current law views all outdoor seating using the Right-of-Way exactly the same and bases the permit fee on the square footage of the space. The permit does not consider hours of operation, number of seats, or most importantly, whether or not the business serves alcohol. Further, the term “café” may not be appropriate for most businesses which use the Right-of-Way to serve or queue their customers.

The Common Council should amend Section 24-64 to create three distinct categories of outdoor service to reflect the reality that “sidewalk café” spaces are not created equal, and in many cases are not cafés at all. The true café – a coffee shop – with eight outdoor seats that closes at 4pm (i.e. Recess Coffee) should not be categorized in the same manner as a bar with dozens of outdoor seats that morphs into a late-night club after hours (i.e. Margarita’s Mexican Cantina).

The Auditor’s proposed structure mandates all applicants to be inspected and pay a mandatory \$100 Right-of-Way inspection fee (as required by the current Ordinance and included on the Right-of-Way fee schedule) in addition to a permit fee based on their use and seating arrangement. All businesses would be required to comply with all other safety and accessibility guidelines.

PROPOSED SIDEWALK CAFÉ PERMIT FEE STRUCTURE

Mandatory Right-of-Way Inspection Fee	\$100.00
Daytime/Alcohol-Free Service	\$5.00 Per Seat
Evening/Alcohol Service	\$25.00 Per Seat
Late-Night Club Service	\$3,500 Flat Fee

Daytime/Alcohol-Free Service Permit would apply to businesses which do not serve alcohol and close daily by 6:00pm. The fee for this permit would be \$5.00 per seat, plus the inspection fee.

Evening/Alcohol Service Permit would apply to any business which serves alcohol or wishes to remain open until 12:00am. The fee for this permit would be \$25.00 per seat, plus the inspection fee.

Late-Night Club Service Permit would apply to a business which serves alcohol, wishes to remain open until 2:00am, and uses the public Right-of-Way for queueing patrons. The fee for this permit would be a flat rate of \$3,500 annually. Businesses which transition from seating to queueing would be required to get both the Evening/Alcohol and the Late-Night Club Permit, plus the inspection fee.

This structure emphasizes that businesses which sell alcohol are state-regulated and must follow specific rules to sell alcohol from public spaces, including filing paperwork with the State Liquor Authority. They also use more local resources to ensure safety and keep order. Expanding into the City’s public Right-of-Way further affords businesses a tremendous opportunity to make significant additional revenue from the increased seating and queueing capacity.

Three-quarters of permitted Sidewalk Cafés are businesses which serve alcohol; a dozen more are operating unpermitted outdoor seating. These businesses should be held to a higher standard.

Response/Justification:

The Department of Public Works (DPW) believes that the proposed fee structure would be unsustainable to verify and enforce at this time due to funding/staffing challenges.

Recommendation #2: Immediately Shut Down Businesses Operating Without Current and Valid Certificates of Use

Any business operating without a valid Certificate of Use shall be considered “unlawful” according to City law. And despite having the ability to issue Conditional Certificates of Approval, too many businesses go without this permission for too long, putting the public in danger.

The City Division of Code Enforcement, along with the Syracuse Police Department and the Syracuse Fire Department should move to immediately shut down any business which is not in compliance with the Business Certificate of Use law.

Too often, these businesses have failed to provide the City with required proof their fire systems are working properly, meaning patrons and employees are put into unnecessary danger each time they step inside. Shutting down these businesses sends the message that safety of patrons is the City’s top priority.

Response/Justification:

DOCE: Certificate of Use is an independent license from the Sidewalk Cafe Permit; enforcement from Codes is happening in conjunction with SPD, Fire, and Law. Many times, businesses are unable to obtain their final Certificate of Use pending a landlord-controlled issue (like a current smoke cert). Codes will continue enforcement actions as necessary to ensure businesses are compliant with all licensing requirements.

SPD: SPD can neither ticket nor shut a business down for not having a Certificate of Use. The Police Department can and currently does notify Code Enforcement when a business is found operating without proper licensing and all efforts are made to immediately shut the location down; this is especially true for illegal after-hour operations. The City team, which includes the Law Department, has been very effective in getting this done for the past several years.

FIRE: The Key Findings section in the Executive Summary of the Auditor’s report states that “a common reason for COUs not being issued was outstanding fire safety issues, including failure to provide required fire protection system certifications for fire alarms, smoke detectors, and sprinklers.” It is reasonable to say that any business operating without of a valid Certificate of Use should be considered “unlawful” and potentially shut down. Shutting these businesses down is not without consequence and would need to be a cooperative effort with DOCE and SPD. Often, the problem lies with the building

owner or landlord and not the business owner.

The Syracuse Fire Department uses a software program to track required testing and periodic maintenance of alarm and suppression systems. The fact that Certificates of Use have been denied or not issued because of system testing delinquency demonstrates that this software is performing as designed. That said, the Syracuse Fire Department is currently working toward more efficiency in the sharing and implementation of that information with our partners in Code Enforcement.

Finding #5: City Issuing Sidewalk Café Permits to Businesses Without Valid Certificates of Use

The audit found that the City is allowing businesses to operate, sometimes for months or years, without current and valid Certificates of Use (COUs). (Exhibit 9, page 95) And despite not having that legally required permission, the City then accepted applications from those businesses for Sidewalk Cafés and issued permits to those establishments.

Section 24-67 of the Sidewalk Café Permit Ordinance explicitly states that the Sidewalk Café permit shall be issued where, "...all applicable state and local laws, ordinances, resolutions and rules and regulations ...have been complied with." (Exhibit 1, page 18)

All restaurants and bars are required to hold a valid Business Certificate of Use (COU), and other venues, depending on their activities, may be required to have Entertainment Licenses, Amusement Licenses, and Concert & Dance Licenses. (Exhibits 10, 11, pages 101, 111) No Sidewalk Café permit should be issued if a business does not have active and valid Certificate of Use or other licenses, and/or permits necessary to operate.

Section 27-164, part C, of the Syracuse Property Conservation Code is clear: "Any business operating without a valid certificate of use shall be considered "unlawful" ... and may be subject to immediate closure by the division of code enforcement." (Exhibit 12, page 115)

Of deep concern, a common reason for COUs not being issued was outstanding fire safety issues including failure to provide required fire protection system certifications for fire alarms, smoke detectors, and sprinklers – systems designed and required to keep patrons and employees safe during an emergency.

Response/Justification:

The Department of Public Works only requires the verification that the Certificate of Use has been applied for before moving forward with the Sidewalk Cafe Permit. It is the opinion of DOCE that Sidewalk Cafe Permits are not held for the issuance of Certificates of Use due to the possibility that it's held up due to items related to the building and building owner, not the business or the business owner.

Recommendation #3: Enforce Right-of-Way Ordinances Including Sidewalk Café Permits; Prioritize Safety and Accessibility and Reduce City Liability

With nearly two dozen businesses operating Sidewalk Cafés without a permit, and numerous others using the Right-of-Way to sell goods or advertise, it's clear Right-of-Way permits are not being properly prioritized by City officials. These permits loan valuable public space to for-profit operators to increase their profits, while also increasing the city's liability and putting safety and accessibility at risk.

City officials should follow the law, complete mandatory inspections of existing permit holders as required by Ordinance, and issue citations to all businesses not operating in accordance with law.

Response/Justification:

SPD: Syracuse Police Department will provide support as needed working alongside the inspecting department to address and enforce all ROW requirements for these permits. Anytime SPD responds to a call or complaint at businesses that may have a Sidewalk Cafe present they will verify if a permit has been obtained and, if necessary, ticket the business and direct them to the Central Permit Office to submit their application.

DPW: DPW agrees that enforcement of Ordinances and Permits is needed, however, DPW does not have adequate Staff in field or a mechanism for issuing citations for any violations.

DOCE: Codes/Permits are not empowered to issue tickets or fines in the city ROW. We also have inadequate staff to take over ROW enforcement without staffing increases.

Finding #8: State Liquor Authority Must Approve Outdoor Seating for Establishments Which Serve Alcohol; No Businesses With Sidewalk Café Permit Have Complied With This Requirement

Section 111-A of the New York State Alcohol Beverage Control Law, enacted in 2024 (Exhibit 20, page 123), requires certain licensees who wish to use municipal space for on-premises alcoholic beverage sales to file an alteration application to the New York State Liquor Authority (SLA), seeking permission to have their establishment's boundaries altered to permit use of public space for alcohol sales. (Exhibits 21, 22, pages 127, 133)

Despite signing an affidavit when filing the application that the owner will notify the SLA of their outdoor seating space, according to officials at the State Liquor Authority, no businesses in Syracuse which hold a current Sidewalk Café permit have made such an application for approval to use those spaces. (Exhibits 23, 24, pages 141, 146)

Response/Justification:

DOCE: The Central Permit Office will examine the application process and determine how we can implement this new requirement without placing additional burdens on applicants or slowing the processing/approval of these permits.

Recommendation #4: Central Permit Office Should Perform Thorough Compliance Checks on All Applicants to Ensure They Are Current on City Charges, Permits, Licenses, and Certificates

As it was recommended in the City Auditor's 2024 audit, "*A License May Be Required*," the City Auditor is again recommending that anyone seeking to do business in the City of Syracuse should be fully compliant with our laws and regulations, current on all city charges, and have all necessary and required permits, licenses, and certificates before being allowed to operate or receive additional permissions from the City.

The application review process should *begin* with a mandatory check of business and property owners, ensuring applicants are current on all City payments, including taxes, water and sewer charges, sidewalk charges, parking tickets and penalties, code violations, and legal judgements. Business owners should also be thoroughly vetted to ensure their establishments have active and current Certificates of Use, Entertainment Licenses, and all other necessary licenses, permits, and certificates. For organizations which are not sole proprietors, this review should extend to all principals of the firm. Completing these checks immediately upon application ensures other reviewing departments don't waste time on reviewing applications which have defects.

The application process should immediately be halted for any individual or company with any past due or outstanding charges, or invalid or missing permissions. Those businesses and property owners should be notified of the issues and be required to resolve them in full before their application will be processed.

Response/Justification:

DOCE: We agree that these compliance checks are a reasonable adjustment for the business owner that can be made to our current policy. We believe if these checks are applied to building owners it could result in unnecessary punitive actions for business owners. Additionally, staff time and capacity for completing these checks with each permit is a limiting factor.

DPW: The DPW is supportive of including encroachments, specifically relative to correcting or removing illegal encroachments, if they currently exist.

Recommendation #5: Eliminate Fencing/Barrier Requirements for Establishments Which Do Not Serve Alcohol

Containment of outdoor seating areas (using fencing, shrubs, walls, or rope and stanchion) is a requirement of the State Liquor Authority for establishments which serve alcohol. These barriers, which vary from business to business, may complicate firefighting efforts and make it difficult for people with disabilities to navigate outdoor seating. Businesses which do not sell alcohol should be exempt from having to place such barriers or fencing around their outdoor café spaces.

Response/Justification:

DPW: The DPW believes that a barrier is helpful to contain seating and other movable items which frequently change position, helping ensure that pedestrian passage is not negatively impacted.

Recommendation #6: Remove Permit Seasonality; Encourage Outdoor Seating Year-Round

The Common Council should remove the April through October seasonality from the permit and allow outdoor seating year-round. Businesses should be encouraged to activate our business districts, especially in winter, for outdoor dining. Encouraging outdoor dining year-round enlivens commercial areas and creates placemaking opportunities. Businesses opting to extend sidewalk service year-round should be required to maintain safety and accessibility by clearing snow and salting as needed.

Response/Justification:

The DPW believes that the seasonal requirement for these permits is an established system that ensures business owners will come back for another permit for the next season. In the past, businesses looking to extend the use of the space through the colder season was granted on a case-to-case basis.

Recommendation #7: Syracuse Fire Department Should Review All Sidewalk Service Applications

Given the low level of compliance with this Ordinance, and notable violations related to fire safety even among permitted establishments, it's clear the Syracuse Fire Department should begin an annual review process for these permits. Departmental turnover puts knowledge of unique circumstances at risk and fire codes undergo regular updates. Fresh eyes on plans can help spot trouble before it becomes a problem.

Response/Justification:

While the Fire Department does participate in initial review of Sidewalk Service Applications, the burden of ongoing enforcement should be a collective one with all applicable City Departments. That said, the Fire Department will look for better ways to participate in the review and enforcement of these permits subject to the availability of resources.

Remaining Findings Responses***Finding #6: Two Dozen or More Businesses Operating Without Sidewalk Café Permit***

Audit staff inspected establishments around the City in areas identified within the scope. These inspections found two dozen businesses, in neighborhoods across the city, using Right-of-Way space for Sidewalk Cafés without a valid permit. At least half of these establishments are currently holders of a license from the New York State Liquor Authority.

Some of these unpermitted cafés were found to be violating key safety and accessibility requirements of the rules, including failing to maintain a six-foot walking path. (Exhibit 13, page 116)

Businesses which host and serve the public should be held to a high standard, especially if they serve alcohol. Operating without all proper permits is a valid reason to revoke a Business Certificate of Use.

BUSINESSES FOUND OPERATING SIDEWALK CAFÉS WITHOUT A PERMIT

<i>Al's Wine & Whiskey Lounge</i>	<i>321 S Clinton Street</i>
<i>Apizza Regionale</i>	<i>260 W Genesee Street</i>
<i>Byblos Mediterranean Café</i>	<i>223 N Clinton Street</i>
<i>Collegetown Bagels</i>	<i>177 Marshall Street</i>
<i>Crooked Cattle</i>	<i>290 W Jefferson Street</i>
<i>Eden</i>	<i>118 E Genesee Street</i>
<i>Faegan's Café & Pub</i>	<i>734 S Crouse Avenue</i>
<i>Francesca's Cucina</i>	<i>545 N Salina Street</i>
<i>Funk 'n Waffles</i>	<i>307 S Clinton Street</i>
<i>GILDED CLUB</i>	<i>415 S Clinton Street</i>
<i>Glazed & Confused</i>	<i>211 N Clinton Street</i>
<i>Maxwells</i>	<i>122 E Genesee Street</i>
<i>Munjed's Middle Eastern & Greek Restaurant</i>	<i>505 Westcott Street</i>
<i>Oh My Darling</i>	<i>321 S Salina Street</i>
<i>Orbis Lounge</i>	<i>134 E Genesee Street</i>
<i>Peppinos Restaurant & Catering</i>	<i>1849 Grant Boulevard</i>
<i>Poundtown Burger Bar</i>	<i>208 W Water Street</i>
<i>Sassy-Cuse Saloon</i>	<i>127 W Fayette Street</i>
<i>Soup R Salads</i>	<i>308 S Warren Street</i>
<i>The Corner Bar</i>	<i>400 S Clinton Street</i>

<i>The Cracked Bean Roastery</i>	<i>2384 James Street</i>
<i>The York</i>	<i>247 W Fayette Street</i>
<i>Varsity Pizza Syracuse</i>	<i>802 S Crouse Avenue</i>
<i>Yeti Frozen Yogurt & Café</i>	<i>558 Westcott Street</i>

Response/Justification:

One of the locations included in the table above is not operating in the City ROW, but on private property; Faegan's Cafe & Pub. The Crooked Cattle has a pending Sidewalk Cafe Permit application at this time.



Office of the Syracuse City Auditor

Hon. Alexander Marion, MPA, City Auditor

Kyle W. Madden, Deputy City Auditor

Michael Guckert, Auditor III | Deborah Somers, Auditor I

Christina Whiteside, Secretary to the Auditor

233 East Washington Street

433 City Hall

Syracuse, New York 13202

(315) 448-8477 | www.syr.gov/syracuseauditor | @SyracuseAuditor