Sidewalk Café Permits

Update April 11, 2012

Do you want to expand your restaurant or café to include open-air seating on the sidewalk? The City of Seattle encourages sidewalk cafes to increase public use, enjoyment, and safety of the public place. With proper design and management, sidewalk cafes can be a great way to encourage walking, add vitality to the street, and promote local economic development.

Sidewalk seating associated with an adjacent business requires a Street Use Permit from the Seattle Department of Transportation (SDOT). There are two types of permits – a “Tables and Chairs” permit and a “Sidewalk Café” permit. Read the following summary and decide which is right for your business.

Tables and Chairs Permits

A Tables and Chairs Permit allows the adjacent business to set out tables and chairs on the sidewalk immediately adjacent to the business. While available to their patrons, these tables and chairs are open for use by the general public, table service may not be provided, and alcohol cannot be consumed. Tables and chairs must be removed daily and no fixed improvements (i.e., a railing or other obstruction) may be installed. The Tables and Chairs permit fee is $146 for the first year and renews annually at $140. The permit allows for a maximum of four tables with two chairs each, depending on site characteristics. Freestanding umbrellas are not included in this permit.

A Tables and Chairs Permit can be applied for at the Street Use Permit Counter on the 23rd floor of Seattle Municipal Tower at 700 Fifth Avenue, Seattle, WA. The following information is required for SDOT to issue a Tables and Chairs Permit:

- Annual Permit Application;
- $172 field review fee;
- Site plan showing dimensions of encroachment and available pedestrian clearance; and
- Insurance documentation. See Client Assistance Memo (CAM) 2102 Certificate of Liability Insurance, for specific requirements.

Sidewalk Café Permits

A Sidewalk Café Permit is required where table service will be provided and alcohol may be served. Once established, sidewalk cafes are for the exclusive use of the adjacent business, and a railing is required.

Applications for a Street Use Permit for a sidewalk cafe may be submitted either by the property owner or the operator of a food-service establishment as defined by the Seattle Municipal Code (SMC) 15.02.044.D. New platforms or structures in the right-of-way are generally discouraged, though they are permitted where topography is a significant issue. Applications that involve platforms will require an additional SDOT Street Use permit for a structure in the right-of-way.

SDOT charges a one-time fee of $516 to review a sidewalk café application, and collects an annual permit fee of $146 plus $1.56 per square foot of sidewalk area used by the sidewalk café on public property. If approved, your permit will include terms and conditions that must be met as part of the regular operation of the sidewalk café. If permit conditions are maintained and the business has not changed ownership, SDOT will renew the permit annually by invoice. All Street Use permits are wholly of a temporary nature and can be revoked by SDOT, per SMC 15.04.070.
A. Location and Standards

To qualify for a sidewalk café permit, the public space adjacent to your food-service business must be a suitable site that meets all the setback and clearance requirements. The location must be approved by the Street Use Division of SDOT.

The following setback and clearance standards apply to all sidewalk cafes. SDOT has the discretion to increase some of the distances or add specific conditions to the Street Use permit based on site characteristics. Street Use will decide the appropriateness of each requested location based on the following setback and clearance standards: For more detailed information, please see Director’s Rule 4-2011.

1. Zoning. All sidewalk cafes must be 50 feet from a residentially-zoned parcel (lots zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 defined under SMC subsection 23.30.010.A; and the abutting zone does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32. The City of Seattle zoning map can be viewed at: http://www.seattle.gov/dclu/Research/gis/webplots/smallzonemap.pdf

2. Clear Pedestrian Zone Area

If your café extends into the sidewalk area, a designated pedestrian zone with a linear-pedestrian-visual corridor is required adjacent to all sidewalk cafes. A clear pedestrian zone must be maintained at all times around the sidewalk cafe or tables and chairs. The pedestrian zone is measured from the outside edge of the sidewalk café fencing or fence post base to the nearest obstruction; for example, a tree pit, pay station, bike rack, sign post, or other similar object. If no obstruction exists, the pedestrian zone is measured to the back of the curb. The pedestrian visual corridor is within the pedestrian zone and dictates that the pedestrian zone must be generally straight and with no sharp or jagged turns that impair pedestrian circulation (see Figure 1: Pedestrian Zone/ Pedestrian Visual Corridor).

- A sidewalk café width should not exceed the available pedestrian clear path of travel width. The Director may allow the sidewalk café width to increase if the Director determines that the pedestrian zone can extend into an adjacent public place closed to vehicular travel or a public place plaza.

- The Director may require more than the minimum pedestrian zone or pedestrian-visual-corridor widths in order to provide for pedestrian passage, traffic management, or any other public use purpose. Examples of where the Director may require more than the minimum pedestrian-zone width include, but are not limited to:
  - Areas with high peak-period pedestrian volumes;
  - When analysis suggests a wider pedestrian zone is necessary;
  - When approved street-design plans call for additional width; or
  - When transit-loading zones, public plazas, art installations, and access points are present and large volumes of pedestrians circulate.

- Umbrellas, A-frame signs, portable signs, planters, or any other encroachment is not allowed in the pedestrian zone or pedestrian visual corridor. Umbrellas with a minimum clearance of 8 feet above the sidewalk grade may project over the pedestrian zone.

- Electrical cords or strings of lights may not be strung over or be placed on the pedestrian zone.

3. Setbacks. Setbacks are required from the following elements and must be clearly identified on the required site plan for the Street Use permit application (see Figure 3: Sidewalk Café Location):

- 5 feet from alleys, driveways, bus zone areas, disabled person parking zones, and commercial loading zones;
- 5 feet from curb ramps, parking meters or parking pay stations, traffic signs, SDOT and utility poles, fire hydrants, bike racks, and other street fixtures;

If the sidewalk café is adjacent to the curb:

- 3 feet from the front of the curb;
- 10 feet along the curb line from the point where the radius of the corner-curb area intersects the curb line; and

- In the Downtown Urban Center (see Map 1: Downtown Urban Center), a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual corridor is required.
- Outside the Downtown Urban Center, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor is required.
- Sidewalk cafes may not encroach into tree pits or the corner-curb-radius area (see Figure 2: Corner Curb Radius Area).
4. **Compliance With ADA**
   The sidewalk café must be accessible and detectable as required by American with Disabilities Act (ADA) guidelines.
   
   - All seating and tables must be movable in order to accommodate wheelchair access.

5. **Exiting Requirements**
   A clear path-of-travel must be maintained from any building exit, equal in width to the exit door. This clear path-of-travel must be free of obstructions, like fencing, and directly connect the building exit to the public place sidewalk area.

   Sidewalk cafes will not require a change to the DPD occupancy permit for the associated business, provided the following standards are met:
   
   - The total area of the sidewalk café is less than 75 sq. ft.; or the total area of the sidewalk café is 75 sq. ft. or more and a legal exit path can be provided directly to the public place;
   
   - If the total area of a sidewalk café is 75 sq. ft. or more and the only legal exit path is though the adjacent establishment, a DPD review is required. If DPD determines that interior alterations are needed to provide sufficient exiting, then a DPD permit for the alterations will be required; and
   
   - Any sidewalk café less than 75 sq. ft must have egress directly to the public place. The egress must be free of obstructions, including gates of any type.

6. **Fencing Requirements.**
   Fencing is required to delineate the sidewalk café area from the pedestrian zone. The following design standards apply to sidewalk café fencing:
   
   - Fencing must be between 30 and 42 inches in height. Fencing must be 42 inches in height, if required by the State Liquor Control Board;
   
   - Fencing and other elements must be detectable by cane to warn visually-impaired persons of potential hazards in the public place. Fencing must include one or more of the following detectable elements:
     - A toe rail with a top edge at 6 inches minimum in height and its bottom edge no higher than 1/2 to 1 inch above the ground surface; or
     - Fencing, landscaping, or other elements detectable by cane spaced no more than 27 inches vertically and no more than 24 inches horizontally.

   - Fence posts may be attached to the sidewalk with bolts or may use free-standing bases. When bolted fencing is removed, the bolts must be removed from the sidewalk, the holes must be filled, and the sidewalk must be restored to original or better condition;
   
   - Fencing must be generally transparent. Solid-sheet fencing surfaces are not permitted;
   
   - Fencing should be constructed with a railing, rope, or other horizontal elements; posts with pointed tops are not permitted;
   
   - Fencing must be constructed of high-quality finish materials such as steel, glass, or finished wood. Plastic, unfinished wood, or pressure-treated lumber is not allowed;
   
   - Fencing shall not contain electrical or other utility elements; and
   
   - Landscaped planters may be used in lieu of fencing. Ropes or chains with free-standing bases may also be used, provided the above standards are met.

7. **Seating Platform Requirements.**
   A separate Street Use permit shall be applied for prior to placing any additional item besides sidewalk café fencing in the public place and may be approved by the Director provided the following are met:
   
   - Platforms or other site-leveling structures may only be approved if a portion of the proposed site area exceeds an 8 percent grade;
   
   - Plans for a platform or other structure shall be certified by a registered professional engineer; and
   
   - Platforms or other structures in the public place shall be continuously maintained by the permittee in at least as good of condition as when first built.
Seating platforms should not be higher than what is required to level the site and generally should not exceed 18 inches or more in height above existing grade at any point. Additional height may be allowed, depending on site topography characteristics, and will require additional DPD review and permit.

Seating platforms must be accessible and detectable and meet the ADA guideline requirements. Seating platforms shall also provide:

- A fixed railing and other safety measures in accordance with Seattle Building Code (SBC) Section 1607.7 and ANSI 117.1;
- Movable seating and tables on the seating platform to accommodate wheelchair access;
- Access in the public place around the seating platform;
- If less than 75 square feet in area or abutting required building exit, ADA access from the seating platform to the public place; and

All visible portions of the seating platform and its railing and footings should be constructed with high-quality finish materials such as steel, glass, or finished woods.

Seating platforms must be temporary in nature and removable, with no lasting damage to the sidewalk or public place.

B. Application to SDOT

Step 1: Initial Application Submittal. Street Use sidewalk cafe permit applications may be submitted at the Street Use Permit Counter on the 23rd floor of the Seattle Municipal Building at 700 5th Avenue.

An informational pre-application meeting is advised to review your layout and determine if the sidewalk width, zoning, and existing obstructions will allow for a sidewalk café next to your business. Please contact the Annual Permits Section at (206) 684-5267 to schedule a time with a permit specialist.

The permit applicant must provide the following information at the time of application submittal:

- Signed Street Use sidewalk cafe permit application;
- Three copies of a legible site plan including the following:
  - North arrow;
  - Name and location of adjoining street(s) or alley(s);

- Width of adjacent sidewalk(s);
- Location of existing improvements (e.g., utility poles, parking pay stations, bus shelters, sign posts, tree pits) detailing distance of each from nearest edge of the proposed sidewalk cafe area;
- Location of property lines and dimensions of the public place area proposed for sidewalk cafe use;
- Sidewalk width remaining for pedestrian zone and pedestrian visual corridor;
- Location and dimensions of any proposed installations in the sidewalk area associated with the sidewalk café;

NOTE: Installations such as platforms, awnings, canopies, planters, utility installations, and bollards require a separate Street Use review and permit(s);
- Location of abutting building exits and entrances;
- Location and number of tables and chairs;
- Fencing detail including materials, dimensions, and installation method; and
- Location and description of adjacent parks, adjacent streets that are closed to traffic, or adjacent public plazas available for pedestrian travel.

Use description including the following:
- The anticipated periods of use during the year;
- The proposed hours of daily use; and
- Whether any liquor will be sold or consumed in the area to be covered by the sidewalk café Street Use permit.

SDOT Sidewalk Café Letter of Authorization form signed by the property or business owner, verifying that the sidewalk café will be operated by a food service business that is permitted by the Seattle-King County Department of Health. This Letter of Authorization form can also be used to authorize an agent to apply for and obtain the sidewalk café permit on the owner’s behalf.

$1,000,000 Liability Insurance with the City of Seattle as an additional policy holder. (For more information, see CAM 2102, Certificate of Liability Insurance);

$516 Field review fee deposit. A sidewalk cafe field review fee deposit is collected for 3 hours of work by the permit reviewer. If review time is less than 3 hours, the remaining balance will be refunded after the permit is issued. If the review time is more than 3 hours, an invoice will be sent for the additional review fees not covered by the field review fee deposit. Field review fee deposits cannot be applied to the permit fee at the time of issuance.
If the proposed sidewalk café is in a Historic or Landmark District, a Certificate of Approval from the Historic Commission must be submitted.

**Step 2: Public Notice of Application Posting and Comment Period.** SDOT will prepare a public notice form for the applicant. The notice form will include information regarding the sidewalk café proposal, including application date, proposed sidewalk café dimensions, comment period dates, as well as provide information on how the public can comment on the pending application and how to request a review or reconsideration of a Street Use permit decision. The applicant is required to post the notice form onsite. The notice must be visible to passers-by the business and remain for the 2-week public comment period before you will receive a decision from SDOT.

SDOT will also post notice of the pending applications on the DPD’s Land Use Information Bulletin (LUIB), available online at: [http://www.seattle.gov/dpd/Notices/Land_Use_Information_Bulletin/](http://www.seattle.gov/dpd/Notices/Land_Use_Information_Bulletin/)

During the 2-week notice period, any interested person may submit written comments on the project to SDOT Annual Permits, who will consider them in reviewing the application.

**Step 3: Application Review and Site Visit.** SDOT Street Use inspector will review the application and may contact you to request more information or corrections. SDOT will conduct an on-site field review to verify compliance with all setback and clearance requirements and to determine whether there are other potential conflicts not identified. During the field review, they will verify that the public notice has been posted. SDOT may require the applicant to repair portions of the sidewalk if damage is present.

**Step 4: Final SDOT Review and Permit Decision.** After the public notice of application comment period has ended, SDOT will: compile all the comments received, verify that all required documents have been submitted, and verify that the site plan meets the minimum requirements as established in SMC Chapter 15.16.

After the close of the comment period, SDOT will review all comments and documents and make a final decision to approve, approve with additional site-specific conditions, or deny the permit based on the following:

- Proposal meets standards established in SMC Chapter 15.16 and Director’s Rule 4-2011; and
- Requested conditions from public comments are consistent with the allowable Director’s conditions.

**Request for Review or Reconsideration.** A request for review or reconsideration of a sidewalk cafe permit decision may be made to the SDOT Director by filing a written request within ten calendar days of the date of the SDOT decision (SMC 15.04.112). The request must identify the decision for which review or reconsideration is requested, grounds for objecting to the decision based on City standards, and the specific remedy being proposed. The Director will designate a review officer who will make a recommendation to the Director. The Director may, at the Director’s discretion, stay implementation of a decision pending review or reconsideration. The Director's decision on review or reconsideration is final.

**C. Permit Conditions**

1. **Standard Conditions.** All SDOT sidewalk cafe Street Use permits will be conditioned with the following requirements:

   - Compliance with all of the SMC Chapter 15.16 Sidewalk Cafe standards and Director’s Rules;
   - Obtain and maintain in effect all required permits and business licenses;
   - Provide a copy of the Street Use sidewalk cafe permit on-site at all times. This permit must be available for anyone to view if requested;
   - All sidewalk cafe permit-related encroachments must be removed from the public place when the Street Use permit expires;
   - Installation and use of speakers and other amplification devices are not allowed and the permittee must comply with Chapter 25.08, Noise Control;
   - Heating elements, planters, and free-standing umbrellas are allowed within the footprint of the permitted sidewalk café area and may not encroach on the pedestrian zone. Heating elements must be of a type permitted by the Seattle Fire Marshall. Umbrellas when opened may encroach over the pedestrian zone provided they are at least 8 feet above the sidewalk grade;
   - Sidewalk café must be in compliance with all Washington State Liquor Control laws; and
   - The sidewalk café area may not be used for any use other than food and beverage service.
associated with the adjoining business. Outdoor storage or other uses are strictly prohibited.

2. Additional Conditions. In addition to the standard sidewalk café permit conditions, the Director may, as deemed appropriate, condition the sidewalk café Street Use permit to address:

- Design standards;
- Hours of operation and dates of use;
- Impacts associated with the sidewalk café activity from:
  - Lighting;
  - Noise; or
  - Placement of signage, furniture, or equipment;
- Need for repairs or improvements to the public place in order to accommodate the sidewalk café activity or to ensure access to the use complies with the ADA; or
- Pedestrian circulation, traffic management, or any public use purpose.

D. Permit Administration

1. Issuance and Modification. After the final SDOT review determination that an application is approved or approved with conditions, the applicant can obtain their Street Use sidewalk café permit at the Street Use permit counter. The applicant must pay all required fees and sign the permit.

The permit fee is $146 + $1.56/square foot of use area.

All sidewalk café Street Use permits authorized by SMC Chapter 15.16 are of a temporary nature, vest no permanent rights, and are revocable as provided for in SMC Section 15.04.070.

The Director may modify the conditions of a sidewalk café Street Use permit, including permitted hours or days of operation, after providing the permittee with written notice 10 calendar days before modifying the Street Use permit. A copy of the modified Street Use permit will be mailed by first-class mail to the permittee at the address listed on the Street Use permit. The permittee may request a Director’s review of the decision to modify the conditions of the Street Use permit as provided for in SMC Section 15.04.112.

The Director of Transportation may suspend any sidewalk café Street Use permit to:

- Promote transportation mobility or public safety; or
- Coordinate with permitted Special Events authorized by SMC Chapter 15.52, or parade permits authorized by SMC Chapter 11.25; or
- Coordinate with any other permitted activity; or

2. Renewal. A Street Use sidewalk café permit may be renewed provided:

- The sidewalk café permit renewal fees are paid;
- The permittee is in compliance with all permit conditions;
- The ownership or business has not changed; and
- The space is not needed for transportation, utility, or any other public use purpose.

3. Expiration. A Street Use permit for a sidewalk café expires if:

- The business changes ownership;
- The Street Use permit duration expires; or
- Street Use permit fees are not paid as required by SMC subsection 15.04.074.B.

All sidewalk cafe Street Use permit-related encroachments must be removed from the public place when the Street Use permit expires. A Street Use permit for a sidewalk café is not transferrable or assignable.

E. Permittee Responsibilities

- The permittee must maintain the sidewalk café site and the adjoining and abutting public place free of all refuse of any kind generated from the operation of their business.
- Only materials and supplies used by the permittee for the daily operation of the sidewalk café may be located within the sidewalk café and the permittee must not store other supplies or other materials in the sidewalk café or public place.
- The surface of the public place must not be altered and permanent fixtures of any kind may not be installed in the public place unless authorized by a Street Use permit.

LEGAL DISCLAIMER: This Client Assistance Memo (CAM) should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this CAM.
• A sidewalk cafe must not be secured to any public amenity unless authorized by a Street Use permit.

• The permittee must temporarily remove the sidewalk café and clear the public place as the Director of Transportation deems necessary to temporarily accommodate access to abutting properties or utilities.

• The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway; or cause pedestrians to divert from the abutting pedestrian zone.

• The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.

• The permittee must immediately remove the sidewalk cafe when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

**Contact Information**

Street Use Division  
Annual Permits

(206) 684-5267  
**AnnualPermits@Seattle.gov**

Seattle Municipal Tower, 23rd Floor  
700 5th Avenue  
P.O. Box 34996  
Seattle, Washington 98124-4996

**Additional Resources**

• Street Use Sidewalk Cafe webpage:  
  [http://www.seattle.gov/transportation/stuse_sidewalkcafe.htm](http://www.seattle.gov/transportation/stuse_sidewalkcafe.htm)

• Seattle Municipal Code, Chapter 15.16:  

• SDOT Director’s Rule 4-2011  

• Department of Neighborhoods Historic Districts  

• The City of Seattle zoning map:  
Figure 1: Pedestrian Zone / Pedestrian Visual Corridor

Exhibit A for 15.02.046
Pedestrian Zone / Pedestrian Visual Corridor

* The minimum required width of the pedestrian zone and pedestrian visual corridor is 5 feet and 3 feet respectively. The widths may increase based on location.
Figure 2: Corner Curb Radius Area
Figure 3: Sidewalk Cafe Location
Map 1: Downtown Urban Center