

Applicant  CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE AND SEATTLE ENGINEERING DEPARTMENT	Page	of	Supersedes
	1	2	4-86
	Publication 7/1/88		Effective 9/1/88
Code and Section Reference 15.16 SMC; 23.76 SMC			
Subject  Applications to Place Tables and Chairs on Public Sidewalks	Type of Rule Code Interpretation		
	Ordinance Authority  3.06.040 SMC		
	Approved/DCLU	Date	
Index  Land Use/Procedural Requirements	<i>Holly Miller</i>		<i>7-29-88</i>
	Approved/SED	Date	
<i>Jay Fisher</i>		<i>8-8-88</i>	

**BACKGROUND**

Chapter 15.16, Seattle Municipal Code (SMC), sets forth standards for sidewalk cafes to be established on public rights of way. The Department of Construction and Land Use (DCLU) is empowered pursuant to Chapters 15.16 and 23.76, SMC, to review master use permit applications for establishing sidewalk cafes and to approve, condition or deny the applications.

The Seattle Engineering Department (SED) issues all other street use and occupation permits. Among the uses permitted by SED is the placement of tables and chairs unrelated to eating establishments.

**PURPOSE**

The purpose of this rule is to distinguish between sidewalk cafes and the placement of tables and chairs in the right of way which is unrelated to outside table service of eating establishments and to clarify the responsibilities for issuing the permits in each case:

**RULE****Sidewalk Cafe**

A sidewalk cafe is made up of tables and chairs placed on the sidewalk in the public right of way by an eating and drinking establishment for the purpose of serving the establishment's patrons. Screening and planter boxes up to three feet in height defining the borders of the sidewalk cafe are permitted and are required where alcohol is served. No walls or roofs of any kind are permitted to enclose sidewalk cafes. Temporary awnings or canopies may be allowed at the discretion of the Director of DCLU.

The master use permit to establish a sidewalk cafe authorizes the private and exclusive use of the sidewalk area by the restaurant.

DCLU is responsible for issuing master use permits for establishing sidewalk cafes. SED is responsible for issuing an annual street use permit for maintenance of the sidewalk cafe after the initial master use permit is issued.

#### Tables and Chairs For Public Convenience Use

Any business may place tables and chairs or other seating furnishings on the sidewalk in the public right of way if issued a street use permit. The use is non-exclusive and open to the general public. Food and beverages are not served and there is no barrier to define the area.

SED is responsible for issuing annual street use permits for the placement of public convenience tables and chairs. No master use permit is required.

#### REASON

Because tables and chairs for public convenience use are open to the public and not for exclusive use of a private entity, no master use permit is necessary to determine public interest and benefit.

STATE OF WASHINGTON )  
CITY OF SEATTLE ) SS.

I, GARY ZARKER, Director of Engineering, the City of Seattle, State of Washington, do hereby certify that this is a true and correct copy of DIRECTOR'S RULE 26-2 as the same now appears on file and of public record in my office and have found it to be true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of July 3, 19 90

GARY ZARKER, Director of Engineering

By Alma W. Covington

Title Manager, Property and Court Services

#### CERTIFICATION

I CERTIFY that I am Custodian of the Records for the Seattle Department of Construction and Land Use and that I am the designated custodian of the records of that office; that this is a record kept by the Seattle Department of Construction and Land Use in the regular course of business of the Seattle Department of Construction and Land Use and that it is in the regular course of business of that Department that such records are maintained.

THAT this is a true and correct copy of a record maintained by the Seattle Department of Construction and Land Use pertaining to the property named.

Date

5/15/90

[Signature]  
Custodian of the Records  
City of Seattle  
Dept. of Construction & Land Use