

# FREQUENTLY ASKED QUESTIONS ABOUT SIDEWALK CAFES

## FENCE-FREE PILOT INFORMATION

### Why fence-free?

This new fence-free option addresses the effects that sidewalk café fencing may have on pedestrian movement on our city's sidewalks. Modeled on the sidewalk seating used in many European cities famous for their café culture, this fence-free pilot will allow Seattle restaurants to integrate their sidewalk cafés with adjacent public space and improve customer movement in and around the café area. These goals can be met while also maintaining pedestrian safety and mobility on adjacent sidewalks. Many other U.S. cities, such as San Francisco, CA and Portland, OR, allow fence-free sidewalk cafés similar to those that will be tested in this pilot program.

While fence-free sidewalk cafés are intended to create more vibrant neighborhoods and support economic vitality, SDOT is committed to ensuring that they do not create negative impacts on pedestrian mobility and safety.

### What does “pilot permit” mean?

As this is a pilot program, all interested businesses are encouraged to apply (see "Who can apply?"), though applicants should be prepared to be flexible during the pilot permit review process as we determine appropriate requirements for the fence-free option. Businesses selected to participate will provide feedback and help SDOT understand how to best manage these spaces in the future.

### Who can apply?

#### Eligible businesses must:

1. Hold a restaurant liquor license for their establishment or not serve alcohol at all
2. Provide table service within the café space
3. Have a dedicated attendant, wait staff, or server in the outside service area when in use
4. Be able to locate the sidewalk café directly against their building (if serving alcohol)

Businesses **not eligible** for the pilot:

- Curbside cafés serving alcohol
- Streateries
- Businesses seeking fence-free sidewalk cafés on platform structures
- Establishments with other forms of liquor licenses (e.g. taverns, breweries, wineries, nightclubs, beer gardens).

Please note that meeting minimum criteria does not guarantee entry into the pilot. Site conditions, such as insufficient sidewalk space to accommodate a café, may cause a business to be ineligible to participate in this pilot.

### How does the pilot permit differ from the existing sidewalk café permit?

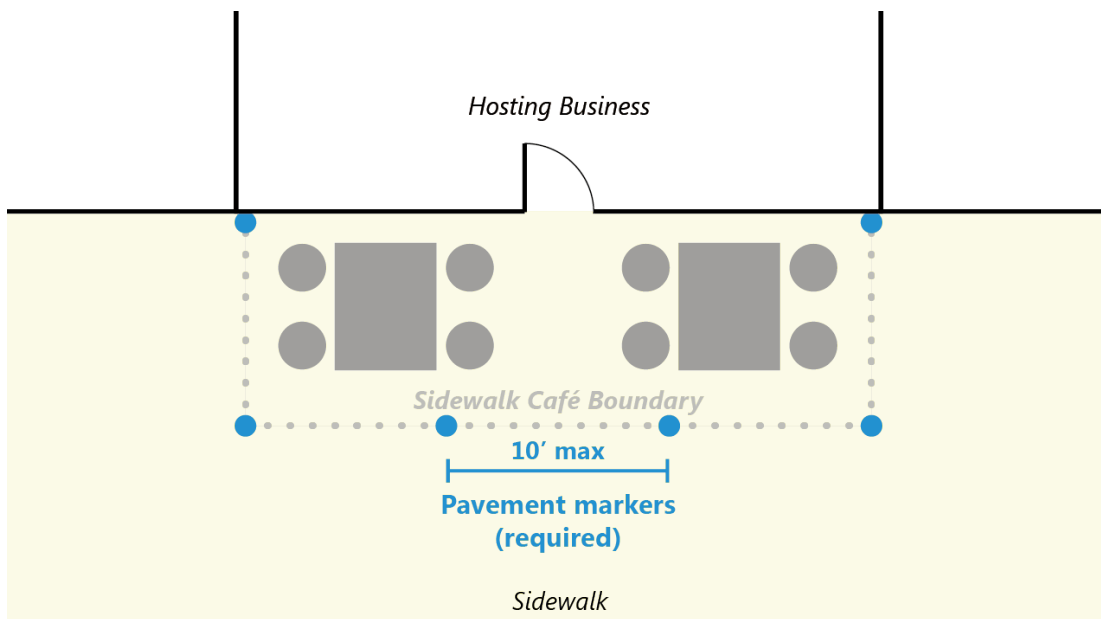
The two permit types are similar in terms of location requirements, application processes, application fees, permit conditions, permit administration, and permittee responsibilities. Please refer to SDOT's [Client Assistance Memo 2503](#) on Sidewalk Café Permits for the full list of requirements that apply to both types of permits. The main difference is the fencing requirement, which does not apply to those businesses with a pilot permit (see "What are the permit requirements?").

### I already have a permitted sidewalk café. Can I make it fence-free?

Businesses that already have a permitted sidewalk café are eligible to enter the pilot. A review fee may apply. Please contact Casey Rogers at [Casey.Rogers@seattle.gov](mailto:Casey.Rogers@seattle.gov) or (206) 733-9707 with any questions.

### What are the permit requirements?

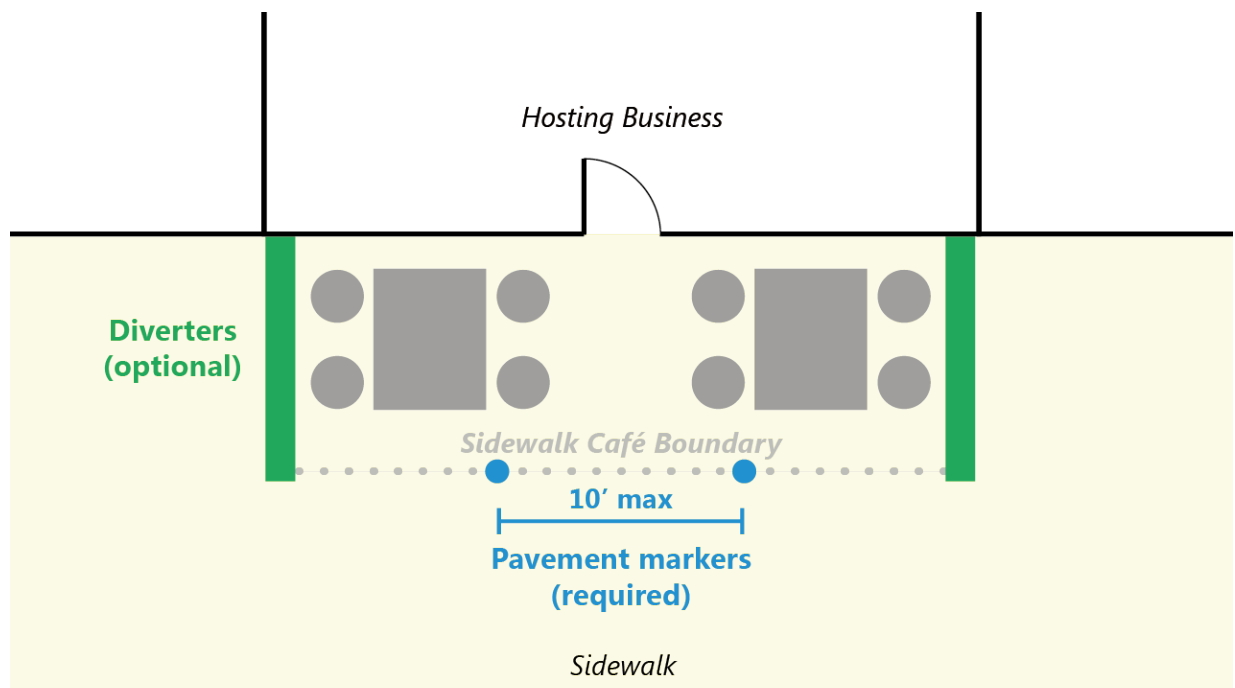
Although a fence is not required for applicants accepted into the pilot, the Washington State Liquor and Cannabis Board requires that sidewalk cafés provide some form of “permanent demarcation” along the entire boundary of the café space. Pilot participants will install and maintain SDOT-designed pavement markers on the sidewalk every 10 feet along the perimeter of their sidewalk café. At no time may the consumption of alcohol or placement of furniture extend beyond the boundary established by the pavement markers.



## Are diverters or other elements required?

While not required, SDOT recommends the use of diverters or other elements at both ends of the sidewalk café boundary, along with the required pavement markers. Diverters help indicate a clear path for pedestrian travel, define the sidewalk café area, and offer businesses an opportunity to create a unique, attractive space for customers. SDOT does not specify the type of material or design elements to be used for the diverters, but permit holders are encouraged to integrate aesthetically appealing elements such as art or plants. If your business decides to use diverters, they **must**:

- Be between 30- and 42-inches tall
- Extend the entire depth of the café footprint either as a single object or multiple elements detectable by cane, spaced no more than 27 inches vertically and no more than 24 inches horizontally
- Abut the adjacent building and extend at a 90-degree angle from the building face
- Be able to withstand wind, adverse weather conditions, and incidental contact
- Not have supports or any elements that protrude
- Be constructed of material of colors contrasting that of the sidewalk surface to increase visibility for the visually impaired
- Not display any advertising or promotional material



Successful examples of diverters from San Francisco can be found below. (Photo credit: Map data ©2016 Google)





**Does furniture need to be moved or brought inside when not in use?**

SDOT encourages pilot permit holders to bring in or move tables, chairs, diverters, or other elements to minimize their footprint when the café area is not being used. However, as long as the café area is maintained according to the permit conditions, furniture and elements associated with the café are not required to be moved when the café is not in use. Pilot permit holders must keep their café area in a tidy, orderly state that will not impede mobility when the business is closed.

**How do I apply for the pilot?**

For applicants, the fence-free pilot permit will be similar to the existing sidewalk café permit process. Please refer to SDOT’s [Client Assistance Memo 2503](#) on Sidewalk Café Permits for a comprehensive list of requirements. All application requirements remain consistent, with three exceptions:

- **Fence design.** Instead of submitting a fence design, provide a site plan showing the location of the pavement markers and any optional elements, such as diverters or planters.
- **Liquor license documentation.** Provide a copy of your Washington State Liquor and Cannabis Board issued [restaurant license](#) to ensure that your business is eligible.
- **Description of diverters or additional elements (optional).** If your business will be using a diverter or other elements such as planters, provide a detailed description about what you plan to use, including proposed dimensions, appearance, material, and approximate weight of the elements. This description can be provided in the form of photos or drawings.



Once all application materials have been submitted, an SDOT permit reviewer will work with applicants to ensure the proposed fence-free sidewalk café meets the goals of the pilot. The permit review process considers a wide variety of factors, including curb use, sidewalk width, local context, slope on the site, location of the business on the block face, and pedestrian volume. Permit approval may be contingent upon meeting additional conditions.

Please be aware that permit review may take longer than normal during this pilot. We appreciate your patience as we work out the details of the pilot and look forward to your feedback.

### **Who can I contact for more information?**

For general questions or to express your interest in the pilot permit, please contact Casey Rogers: [Casey.Rogers@seattle.gov](mailto:Casey.Rogers@seattle.gov) or (206) 733-9707.

## GENERAL INFORMATION

### **How do I report an issue with noise or a café that is encroaching too far into the sidewalk?**

Noise-related issues should be directed to the Seattle Police Department's non-emergency number at (206) 625-5011. Additionally, the City has a noise-abatement program. More information and contacts can be found at <http://www.seattle.gov/dpd/codesrules/codes/noise/default.htm>

SDOT handles problems related to sidewalk encroachments – you can call 206-684-5283 from 8AM to 5PM during the work week. SDOT has the right to require immediate changes if a sidewalk café has encroached beyond its permitted area, and may revoke an approved sidewalk café permit if there is an ongoing problem.

### **Are sidewalk cafes required to provide ADA access?**

SDOT [Director's Rule 4-2011](#) requires new sidewalk cafés to retain an ADA-compliant path-of-travel for pedestrians on the sidewalk, to provide a detectable barrier between the sidewalk café and the path of travel, and to provide wheelchair access to seating platforms.

SDOT will continue to require existing sidewalk cafés to maintain an ADA-compliant path-of-travel for pedestrians around the sidewalk café.

### **What about sidewalk cafés on private property?**

Outdoor seating areas on private property would continue to require review and approval by the Seattle Department of Construction and Inspections, except where any portions are proposed for the public right-of-way.

**Will increased seating require a new occupancy permit?**

Sidewalk cafés generally do not count against the approved occupant load, provided the café area has an independent exit to the public area or is no larger than 75 square feet.