# SDOT

# **Director's Rule 4-2011**

Applicant:	Page	Supersedes:
CITY OF SEATTLE	1 of 18	SDOT 1-2009
Seattle Department of Transportation (SDOT)		
	Publication:	Effective:
	8/9/2011	8/26/2011
Subject:	Code and Section Reference:	
	Seattle Municipal Code	
Sidewalk Cafés	Chapter 15.16	
	Type of Rule:	
	Legislative	
	Ordinance Authority:	
	SMC 3.12.020 and 15.16.040	
Index:	Approved	Date
Street and Sidewalk Use, Sidewalk Cafés	(signature on file)	8/26/2011
	Batan Haha, Binada	
	Peter Hahn, Director Seattle Department of Transportation	

# **TABLE OF CONTENTS**

1.0	References		3
2.0	Purpose of Rule		3
3.0	Definitions		3
4.0	Permit Application and Review		5
	<ul> <li>4.1 Application to SDOT</li> <li>4.2 Notice of Application – Application Communication</li> <li>4.3 Review by SDOT</li> <li>4.4 Review by Department of Planning and</li> </ul>		5 6 7 7
5.0	Sidewalk Café Standards		8
	<ul> <li>5.1 Americans with Disabilities Act Guideline</li> <li>5.2 Clear Pedestrian Area</li> <li>5.3 Setbacks</li> <li>5.4 Exit Requirements</li> <li>5.5 Fencing Requirements</li> <li>5.6 Seating Platform Requirements</li> </ul>	<b>)</b> S	8 9 10 11 12 13
6.0	Sidewalk Café Permit Conditions		14
7.0	Permittee Responsibilities		15
8.0	Permit Expiration, Renewal, and Administration	ı	16
9.0	Request for Review or Reconsideration		17
10.0	Figure 1: Downtown Urban Center Map		18

#### 1.0 References

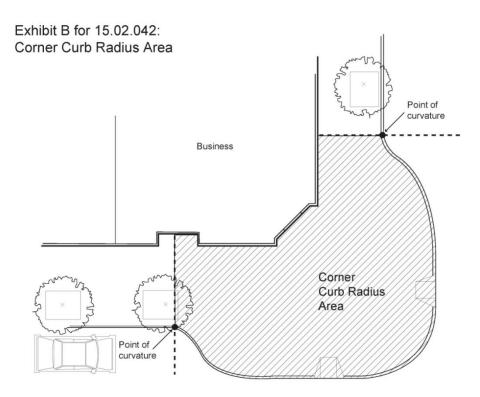
- 1.1 Seattle Municipal Code (SMC) Title 15, Street and Sidewalk Use
- 1.2 SMC Section 23.30.010 and Chapter 23.32, Land Use Code,
- 1.3 Seattle Building Code (SBC) Section 1607.7 and ANSI 117.1

#### 2.0 Purpose of Rule

This Rule interprets the provisions of SMC Chapter 15.16, Sidewalk Cafés, and provides the standardized procedures and conditions for issuing sidewalk café Street Use permits, including design standards. When the rule is citing existing sections of the SMC, the code language is referenced by a citation to the SMC after the heading or section of the rule that is citing the code.

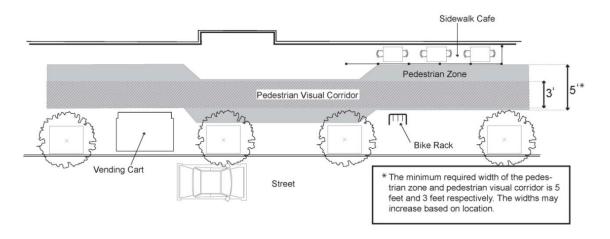
#### 3.0 Definitions

- 3.1 "Areaway" means a space below the level of the sidewalk, covered or uncovered, affording room, access or light to a building. An "areaway" is sometimes called a "light well." (SMC 15.02.042)
- 3.2 "Corner curb radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner Curb Radius Area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius. (SMC 15.02.042)



- 3.3 "Food service business" means:
  - 1. The following business or other entities that serve, vend, or provide food for human consumption, including but not limited to:
    - a. Food establishments permitted by the Seattle-King County Department of Public Health;
    - b. Restaurants, snack bars, cafeterias, taverns, bars;
    - c. Stores selling groceries, produce, meat/fish/poultry, baked or delicatessen goods;
    - food services in schools and private higher education learning facilities; or
    - e. Institutions licensed by the Seattle-King County Department of Public Health, such as hospitals, prisons, state-licensed higher education facilities, and child-care facilities;
  - 2. The following businesses or other entities are **not** food service businesses:
    - a. Private homes where food is prepared by or served to household members, their tenants, or guests;
    - b. Wholesale food distributors or food processing plants;
    - c. Food vehicles or vending carts; or
    - d. Establishments where the sales of nonpotentially hazardous food are incidental to the business. (SMC 15.02.044)
- 3.4 "Pedestrian zone" means the area or space of the public place or roadway that is reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). (SMC 15.02.046)

Exhibit A for 15.02.046
Pedestrian Zone / Pedestrian Visual Corridor



- 3.5 "Pedestrian visual corridor" means a continuous and straight corridor within the designated pedestrian zone that provides pedestrians with a clear visual indication of the location of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this corridor. (SMC 15.02.046)
- "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles, plazas, and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved. (SMC 15.02.046)
- 3.7 "Sidewalk café" means a portion of the public place in which tables and chairs are placed for the use of patrons consuming food or beverages, including alcoholic beverages that is operated by a food service business located on abutting property. (SMC 15.02.046)

#### 4.0 Permit Application and Review

#### 4.1 Application to SDOT

- 4.1.1.1 Applicants for a sidewalk café Street Use permit must complete and sign the Street Use Non-Construction Permit Application. By signing the permit application, the applicant agrees to defend, indemnify and hold harmless the City as provided by SMC 15.16.070.
- 4.1.1.2 To submit a complete Street Use permit application, the applicant must provide the following information to SDOT along with their signed application:
- Three copies of a legible site plan including the following:
  - North arrow;
  - Name and location of adjoining streets or alleys;
  - Width of adjacent sidewalks;
  - Location of existing improvement (for example, utility poles, parking pay stations, bus shelters, sign posts, tree pits) identifying the distance of each from nearest edge of the proposed sidewalk café area;
  - Location of property lines and dimensions of the sidewalk area proposed for café 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 shall require a separate Street Use review and permits;
  - Location of abutting building exits and entrances;
  - Location and number of tables and chairs:

- o Fencing detail including materials, dimensions, and installation method;
- o Location of existing and proposed landscaping; and
- Location and description of adjacent parks, adjacent streets that are closed to traffic, or adjacent public plazas available for pedestrian travel.

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.
Use description describing:  o The anticipated periods of use during the year;  o The proposed hours of daily use; and  o Whether any liquor will be sold or consumed in the area to be covered by the sidewalk café Street Use permit.
\$1,000,000 Liability Insurance with the City of Seattle as an additional policy holder. (For more information, see Client Assistance Memo (CAM) 2102, Certificate of Liability Insurance) or in an amount otherwise determined by the Director. (SMC 15.16.060)
If the proposed sidewalk café is located in a Historic or Landmark District, the applicant must obtain a Certificate of Approval from the appropriate district and submit a copy to SDOT. (SMC 15.16.040.A.5)
Field review fee deposit as established by the current Street Use Fee Schedule hourly rate. A sidewalk café 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.

# 4.2 Notice of Application and Application Comment Period

- 4.2.1 When a complete sidewalk café Street Use application is submitted, SDOT will provide a notice form to the applicant. The notice form will include the application date, proposed sidewalk café dimensions, and 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. (SMC 15.16.075)
- 4.2.2 The applicant must post this notice in a prominent place at the proposed location, clearly visible from the adjacent sidewalk area. The notice must be continuously posted for at least 10 business days before permit decision and issuance. SDOT will also publish an application notice on the Department of

Planning and Development's (DPD) Land Use Information Bulletin (LUIB), which is published twice weekly on-line and is mailed to more than 200 community organizations city-wide. The comment period dates on the notice form will be consistent with the online comment period date schedule on the LUIB.

4.2.3 A Street Use inspector will verify that the notice is posted during the public comment time period. Failure to post the notice will delay issuance of the sidewalk café Street Use permit until the notice has been continuously posted for at least 10 business days before the permit is issued.

# 4.3 Review by SDOT

- 4.3.1 SDOT will review the application and determine if it is complete and meets the minimum requirements in SMC Chapter 15.16. The review will include, but is not limited to:
- Determining that the food service business is setback at least 50 feet from a residentially-zoned parcel;
- Confirming that the SDOT Sidewalk Café Letter of Authorization is signed by the property or business owner and verifies that the sidewalk café will be operated by a permitted-abutting-food-service business;
- Confirming that the applicant is the property or business owner or authorized agent as established on the SDOT Sidewalk Café Letter of Authorization form;
- Confirming that clearance, exiting, and setback requirements are met on the site plan:
- Confirming that fencing detail conforms to installation and Americans with Disabilities Act (ADA) requirements;
- Verifying insurance documentation meets the requirements as stated in CAM 2102:
- Verifying public notice is posted on-site during the public comment application period;
- Reviewing whether any additional Street Use permits are required, for example. seating platforms, sidewalk repair, or other site-related permits;
- Determining if sidewalk café application needs to be routed to the DPD for additional review and permitting; and
- Confirming that site conditions conform to the site plan.

# 4.4 Review by the Department of Planning and Development (DPD)

- 4.4.1 DPD review is not required for all proposed sidewalk cafés in the public right-of-way, but may be required in certain circumstances, including:
  - 4.4.1.1 If the total area of the sidewalk café is 75 square feet or more and the only legal exit path is through the food service business, and if

DPD determines that interior alterations are needed to comply with building code standards and limits to the number of occupants, then a building permit for the alterations may be required;

- 4.4.1.2 If an average of 4 feet or more of the sidewalk café is on private property, as measured perpendicular from the street-facing property line, then DPD permits are required; or
- 4.4.1.3 If any seating platform is 18 inches or more above the sidewalk or public place grade, a DPD permit is required.
- 4.4.2 If DPD review or additional DPD permits are required, SDOT will not issue a sidewalk café Street Use permit until all DPD permit requirements are met.

#### 5.0 Sidewalk Café Standards

The following standards apply to all sidewalk cafés in the public place. SDOT has the discretion to require more strict standards or require specific conditions to the Street Use permit, given specific site characteristics.

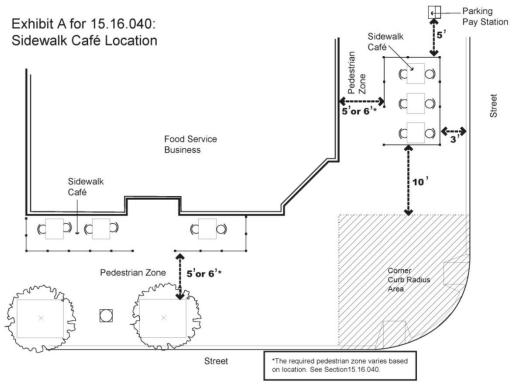
#### 5.1 ADA Guidelines

The sidewalk café must be accessible and detectable as required by ADA guidelines.

- 5.1.1 Any sidewalk café with less than 75 square feet use area must have an entrance/exit directly to the public place. If a sidewalk café has an area of 75 square feet or more and does not have an entrance/exit directly to the public place, the applicant will be required to obtain an additional DPD permit (see Section 4.4.1.1).
- 5.1.2 All seating and tables must be movable in order to accommodate wheelchair access.
- 5.1.3 SDOT will review for the following:
  - 5.1.3.1 ADA access in the public place around the sidewalk café;
  - 5.1.3.2 ADA access from the public place into the sidewalk café, if it is less than 75 square feet in area or opposite a required building exit:
  - 5.1.3.3 Fencing is detectable by cane; and
  - 5.1.3.4 Furniture is movable and not permanently affixed.
- 5.1.4 DPD will review for the following:
  - 5.1.4.1 ADA access to sidewalk café from the building, when the only access path is through the building.

#### 5.2 Clear Pedestrian Area (SMC 15.16.040)

5.2.1 A designated pedestrian zone with a linear-pedestrian-visual corridor is required adjacent to all sidewalk cafés, depicted in Exhibit A of SMC 15.02.046: See Pedestrian Zone/Pedestrian Visual Corridor under definition 3.5 of this rule. 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, depicted below in Exhibit A of 15.16.040: Sidewalk Café Location. 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 shall be generally straight and with no sharp or jagged turns that impair pedestrian circulation.



- 5.2.1.1 In the Downtown Urban Center (Figure 1), a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual corridor is required.
- 5.2.1.2 Outside the Downtown Urban Center, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor is required.
- 5.2.1.3 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:

- 5.2.1.3.1 Areas with high peak-period pedestrian volumes;
- 5.2.1.3.2 When analysis suggests a wider pedestrian zone is necessary;
- 5.2.1.3.3 When approved street-design plans call for additional width; or
- 5.2.1.3.4 When transit-loading zones, public plazas, art installations, and access points are present and large volumes of pedestrians circulate.
- 5.2.1.4 The width of the sidewalk café shall not exceed the available pedestrian-zone width. The Director may allow the sidewalk café to be increased in width if the Director determines the pedestrian zone can extend into an adjacent public place closed to vehicular travel or a public place plaza.
- 5.2.1.5 Sidewalk cafés may not encroach into tree pits or the corner curb radius area, depicted in Exhibit B for 15.02.042: Corner Curb Radius Area definition 3.2.
- 5.2.1.6 Umbrellas, A-frame signs, portable signs, planters, or any other encroachment are not allowed in the pedestrian zone or pedestrian visual corridor.
- 5.2.1.7 Electrical cords or strings of lights may not be strung over or be placed on the pedestrian zone.

# 5.3 **Setbacks (SMC 15.16.040)**

- 5.3.1 Setbacks are required from the following elements, depicted in Exhibit A for 15.16.040: Sidewalk Café Location, and must be clearly identified on the required site plan for the Street Use permit application:
  - 5.3.1.1 5 feet from alleys, driveways, bus zone areas, disabled person parking zones, and commercial loading zones;
  - 5.3.1.2 5 feet from curb ramps, parking meters or pay stations, traffic signs, SDOT and utility poles, fire hydrants, bike racks, and other street fixtures;
  - 5.3.1.3 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 zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32);

- 5.3.1.4 Additionally, when the sidewalk café is adjacent to the curb:
  - 5.3.1.4.1 10 feet along the curb line from the point where the radius of the corner curb area intersects the curb line;
  - 5.3.1.4.2 3 feet from the front of the curb; and
  - 5.3.1.4.3 If there is on-street parking or at the Director's discretion, there shall be a minimum of one 4-foot wide clear section for every 16 feet of lineal sidewalk café fencing, or combination of curb space amenities and fencing, to provide pedestrian access from the curb space to the sidewalk area.
- 5.3.1.5 A larger setback distance may be required by the Director to provide for pedestrian passage, traffic management, or any other public use purpose.

#### 5.4 Exit Requirements

- 5.4.1 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.
- 5.4.2 Sidewalk cafés will not require a change to the DPD occupancy permit for the associated business, provided the following standards are met:
  - 5.4.2.1 The total area of the sidewalk café is less than 75 square feet; or the total area of the sidewalk café is 75 square feet or more and a legal exit path can be provided directly to the public place;
  - 5.4.2.2 If the total area of a sidewalk café is 75 square feet or more and the only legal exit path is through the adjacent establishment, a DPD review is required. If DPD determines that interior alterations are needed to provide sufficient exiting, then a DPD permit application for the alterations permit will be required; and
  - 5.4.2.3 Any sidewalk café less than 75 square feet must have egress directly to the public place. The egress must be free of obstructions, including gates of any type.

#### 5.5 Fencing Requirements

- 5.5.1 Fencing is required to delineate the sidewalk café area from the pedestrian zone. The following design standards apply to sidewalk café fencing:
  - 5.5.1.1 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:
  - 5.5.1.2 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:
    - 5.5.1.2.1 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
    - 5.5.1.2.2 Fencing, landscaping, or other elements detectable by cane spaced no more than 27 inches vertically and no more than 24 inches horizontally.
- 5.5.2 Fence posts may be attached to the sidewalk with bolts or may use freestanding 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;
- 5.5.3 Fencing must be generally transparent. Solid-sheet fencing surfaces are not permitted.
- 5.5.4 Fencing should be constructed with a railing, rope, or other horizontal elements; posts with pointed tops are not permitted;
- 5.5.5 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;
- 5.5.6 Fencing shall not contain electrical or other utility elements; and
- 5.5.7 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.

### 5.6 **Seating Platform Requirements (SMC 15.16.040.D.1)**

- 5.6.1 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:
  - 5.6.1.1 Platforms or other site-leveling structures may only be approved if a portion of the proposed site area exceeds an 8 percent grade;
  - 5.6.1.2 Plans for a platform or other structure shall be certified by a registered professional engineer; and
  - 5.6.1.3 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.
- 5.6.2 Seating Platform Design Standards.
  - 5.6.2.1 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. Refer to Section 4.4 for when other DPD review would be required.
  - 5.6.2.2 Seating platforms must be accessible and meet the ADA guideline requirements of Section 5.1. Seating platforms shall also provide:
    - 5.6.2.2.1 A fixed railing and other safety measures in accordance with Seattle Building Code (SBC) Section 1607.7 and ANSI 117.1;
    - 5.6.2.2.2 Movable seating and tables on the seating platform to accommodate wheelchair access;
    - 5.6.2.2.3 Access in the public place around the seating platform;
    - 5.6.2.2.4 If less than 75 square feet in area or abutting required building exit, ADA access from the seating platform to the public place; and
    - 5.6.2.2.5 Detectable elements as required in Section 5.5.1.2.

- 5.6.2.3 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.
- 5.6.2.4 Seating platforms must be temporary in nature and removable, with no lasting damage to the sidewalk or public place.
- 5.6.3 Street Use Permit Application Requirements for Seating Platforms shall include:
  - 5.6.3.1 A plan stamped by a registered engineer or architect. The stamp must be accompanied by a statement confirming that the seating platform conforms to SBC, Chapter 11, Accessibility, and other applicable regulations including, but not limited to, SBC Section 1607.7 and International Code Council A117.1;
  - 5.6.3.2 If the proposed seating platform is over an areaway, the applicant must submit an additional structural analysis by a registered engineer of the load capacity of the sidewalk and areaway;
  - 5.6.3.3 An indemnity agreement as prepared by SDOT for approved seating platform permit applications. The indemnity agreement must be signed and notarized by the property owner and recorded with King County Records prior to permit issuance;
  - 5.6.3.4 For seating platforms less than 18 inches in height for which a DPD permit was not required, the applicant must submit a letter stamped by a registered engineer or architect to SDOT. The stamp must be accompanied by a statement confirming that the seating platform was installed according to the SBC, Chapter 11, Accessibility, and other applicable regulations including, but not limited to, SBC Section 1607.7 and International Code Council A117.1. The letter must be submitted to SDOT within one week of the seating platform being installed; and
  - 5.6.3.5 Potted plants, planter boxes, or other landscaping is required at either end of the seating platform to delineate it from the rest of the public place. Landscaping may be no higher than 42 inches and may not encroach on the designated pedestrian zone.

#### 6.0 Sidewalk Café Permit Conditions

- 6.1 The Director may, as deemed appropriate, condition the sidewalk café Street Use permit to address:
  - 6.1.1 Design standards;

- 6.1.2 Hours of operation and dates of use;
- 6.1.3 Impacts associated with the sidewalk café activity from:
  - 6.1.3.1 Lighting;
  - 6.1.3.2 Noise; or
  - 6.1.3.3 Placement of signage, furniture, or equipment.
- 6.1.4 Need for repairs or improvements to the public place in order to accommodate the sidewalk café or to ensure access to the use complies with the ADA; or
- 6.1.5 Pedestrian circulation, traffic management, or any public use purpose. (SMC 15.16.040.C)
- 6.2 All permit-related encroachments shall be removed from the public place when the Street Use permit expires. (SMC 15.16.012)
- 6.3 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.
- 6.4 Installation and use of speakers and other amplified sound is not allowed. (SMC 15.16.040.A.7)
- 6.5 Sidewalk café must be in compliance with all Washington State Liquor Control laws. (SMC 15.16.050)
- 6.6 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. (SMC 15.16.080)

#### 7.0 Permittee Responsibilities (SMC 15.16.080)

- 7.1 The permittee shall maintain the sidewalk café, and adjoining and abutting public place free of all refuse of any kind generated from the operating the sidewalk café and their business.
- 7.2 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 shall not store other supplies or other materials in the sidewalk café or public place.
- 7.3 The surface of the public place shall not be altered and fixtures of any kind shall not be installed in the public place unless authorized by a Street Use permit.

- 7.4 A sidewalk café shall not be secured to any public amenity unless authorized by a Street Use permit.
- 7.5 The permittee shall temporarily remove the sidewalk café and clear the public place as the Director deems necessary to temporarily accommodate access to abutting properties or utilities.
- 7.6 The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.
- 7.7 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.
- 7.8 The permittee shall immediately remove the sidewalk café when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

#### 8.0 Permit Expiration, Renewal, and Administration (SMC 15.16.012)

- 8.1 A sidewalk café Street Use permit expires under the following scenarios:
  - 8.1.1 The business changes ownership;
  - 8.1.2 The Street Use permit duration expires; or
  - 8.1.3 The Street Use permit fees are not paid as required by SMC subsection 15.04.074.B.
- 8.2 Street Use permits for a sidewalk café shall not be transferrable or assignable.
- 8.3 A Street Use sidewalk café permit may be renewed provided:
  - 8.3.1 The sidewalk café permit renewal fees are paid;
  - 8.3.2 The permittee is in compliance with all permit conditions;
  - 8.3.3 The ownership or business has not changed; and
  - 8.3.4 The space is not needed for transportation, utility, or any other public use purpose.
- 8.4 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 days before modifying the Street Use permit.

- 8.5 All sidewalk café Street Use permits are of a temporary nature, vest no permanent rights, and are revocable as provided for in SMC Section 15.04.070.
- 8.6 The Director may suspend any sidewalk café Street Use permit for transportation mobility or public safety purposes; or to coordinate with:
  - 8.6.1 Permitted Special Events authorized by SMC Chapter 15.52;
  - 8.6.2 Parade permits authorized by SMC Chapter 11.25; or
  - 8.6.3 Any other permitted activity.

#### 9.0 Requests for Review or Reconsideration

- 9.1 A request for review or reconsideration of a sidewalk café 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.
- 9.2 The request for review or reconsideration shall be submitted to:

Director of Transportation Seattle Department of Transportation 700 Fifth Avenue, Suite 3900 PO Box 34996 Seattle WA 98124-4996

#### With a copy to:

Division Director Street Use and Urban Forestry Division 700 Fifth Avenue, Suite 2300 PO Box 34996 Seattle WA 98124-4996

#### 10.0 Figure 1: Downtown Urban Center Map

