

# SEATTLE DEPARTMENT OF TRANSPORTATION

## DIRECTOR'S RULE 02-2019



Subject: Cafés in the Public Place	Page 1 of 35 Supersedes: SDOT 4 2011 Publication: October 14, 2019 Effective: November 3, 2019 DRAFT July 2022
Type of Rule: Legislative	Ordinance Authority: SMC 3.12.020 and 15.16.040
Code and Section Reference: Seattle Municipal Code Chapters 15.02, 15.04, and 15.16	Approved

# TABLE OF CONTENTS

- SEATTLE DEPARTMENT OF TRANSPORTATION..... 1
- DIRECTOR’S RULE 02-2019..... 1
- TABLE OF CONTENTS..... 3
  - REFERENCES..... 5
  - BACKGROUND AND PURPOSE ..... 6
  - DEFINITIONS ..... 7
  - 1. CAFÉ LOCATIONS ..... 9
    - 2. 4.1 LOCATION IN THE PUBLIC PLACE..... 9
    - 3. 4.2 FRONTAGE REQUIREMENTS..... 9
    - 4. SITING STANDARDS ..... 11
      - 5. 5.1 MEASUREMENT STANDARDS ..... 11
      - 5.2 CLEARANCE REQUIREMENTS FOR PEDESTRIAN MOBILITY ..... 11
      - 5.3 SETBACK REQUIREMENTS FOR FRONTAGE ZONE CAFÉS..... 14
      - 5.4 SETBACK REQUIREMENTS FOR FURNITURE ZONE CAFÉS ..... 15
      - 5.5 SETBACK REQUIREMENTS FOR CURBSPACE CAFÉS ..... 16
      - 6. 5.6 APPLYING THE SITING STANDARDS ..... 18
      - DESIGN STANDARDS ..... 20
        - 6.1 OVERALL DESIGN STANDARDS ..... 20
        - 6.2 EXITS FROM BUILDINGS..... 20
        - 6.3 AISLES ..... 21
        - 6.4 FENCING ..... 21
        - 6.5 OVERHEAD DESIGN ELEMENTS ..... 24
        - 6.6 WALLS..... 26
        - 6.7 LIGHTING AND HEATING ..... 27
        - 6.8 PLATFORMS AND SITE-LEVELING STRUCTURES..... 27
        - 6.9 FENCE-FREE CAFÉS ..... 28
        - 6.10 CURBSPACE CAFÉS..... 29
        - 6.11 SEASONAL AND TEMPORARY CAFES ..... 30
        - 6.12 DESIGN EXCEPTIONS ..... 31

	<b>APPLICATION REVIEW PROCESS .....</b>	<b>32</b>
	7.1 MINIMUM REQUIREMENTS FOR APPLICATION .....	32
	7.1.1 The applicant shall be the owner or occupant of the abutting property.....	32
	7.2 REVIEW BY THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS (SDCI) .....	32
7.	7.3 HISTORIC AND LANDMARK DISTRICT REVIEW .....	32
	7.4 ADA REQUIREMENTS.....	32
	7.5 PUBLIC NOTICE .....	33
	7.6 PERMIT CONDITIONS.....	33
	7.7 REQUESTS FOR REVIEW AND RECONSIDERATION.....	34
	<b>CAFÉ PERMITS.....</b>	<b>35</b>
	8.1 PERMIT ADMINISTRATION.....	35
8.	8.2 PERMIT RENEWAL .....	35
	8.3 PERMIT EXPIRATION.....	35
	8.4 PERMITTEE RESPONSIBILITIES FOR CAFÉ OPERATION.....	36

DRAFT

# REFERENCES

- 1.1 Seattle Municipal Code (SMC) Title 11 (Vehicles and Traffic), Sections 11.14.135 and 11.14.265.A
- 1.2 SMC Title 15 (Street and Sidewalk Use), Sections 15.02.042, 15.02.144, and 15.02.046 (Definitions); Chapter 15.04, Use and Occupation Permits; and Chapter 15.16, Cafes in the Public Place
- 1.3 SMC Chapter 23.30, Zone Designations Established
- 1.4 SMC Chapter 23.32, Land Use Maps
- 1.5 SMC Chapter 23.34, Amendments to Official Land Use Maps (Rezoning)
- 1.6 SMC Title 25, Environmental Protection and Historic Preservation
- 1.7 SMC Chapter 25.08, Noise Control
- 1.8 Right-of-Way Improvements Manual (also known as Streets Illustrated), Seattle Department of Transportation Director's Rule 04-2017
- 1.9 Right-of-Way Opening and Restoration Rule, Seattle Department of Transportation Director's Rule 01-2017
- 1.10 Seattle Building Code (SBC) Chapters 11 and 16.
- 1.11 International Code Council A117.1-2009
- 1.12 Seattle 2035: City of Seattle Comprehensive Plan 2015-2035

# BACKGROUND AND PURPOSE

## 2.

- 2.1 The Seattle Department of Transportation (SDOT) is authorized to manage Seattle’s transportation system and strives to operate and maintain this system to support the public health and safety for the traveling public of all ages and abilities. We are also responsible for overseeing permit processes for the public place, including the permit application process for cafés.
- 2.2 SDOT supports the café program to activate the street-level pedestrian environment, increase vibrancy and economic stability in commercial districts, and make public places more social and active. During the COVID-19 pandemic, SDOT implemented the Temporary Safe Start Program to support Seattle businesses through enhanced permitting options, a streamlined permitting process, and greater coaching assistance. This resulted in increased outdoor dining in neighborhoods across the city, and prompted the updates made to this Director’s Rule in 2022.
- 2.3 The purpose of this rule is to interpret and implement provisions of the Seattle Municipal Code (SMC) Chapter 15.16, Cafés in the Public Place, and provide standardized conditions for issuing Street Use café permits, including design standards. When the rule is citing existing sections of the SMC, the code language is referenced by the SMC citation.

One of the four central goals identified for the City of Seattle transportation system, as outlined by the Seattle 2035 Comprehensive Plan, is to “develop a more vibrant city by creating streets and sidewalks that generate economic and social activity, adding to the city’s overall health, prosperity, and happiness.” The City of Seattle seeks to design and operate streets to promote healthy and vibrant urban environments while keeping safety, accessibility, and aesthetics in balance. Cafés, if managed correctly, can help the city meet these goals and these specific policy objectives identified in the plan:

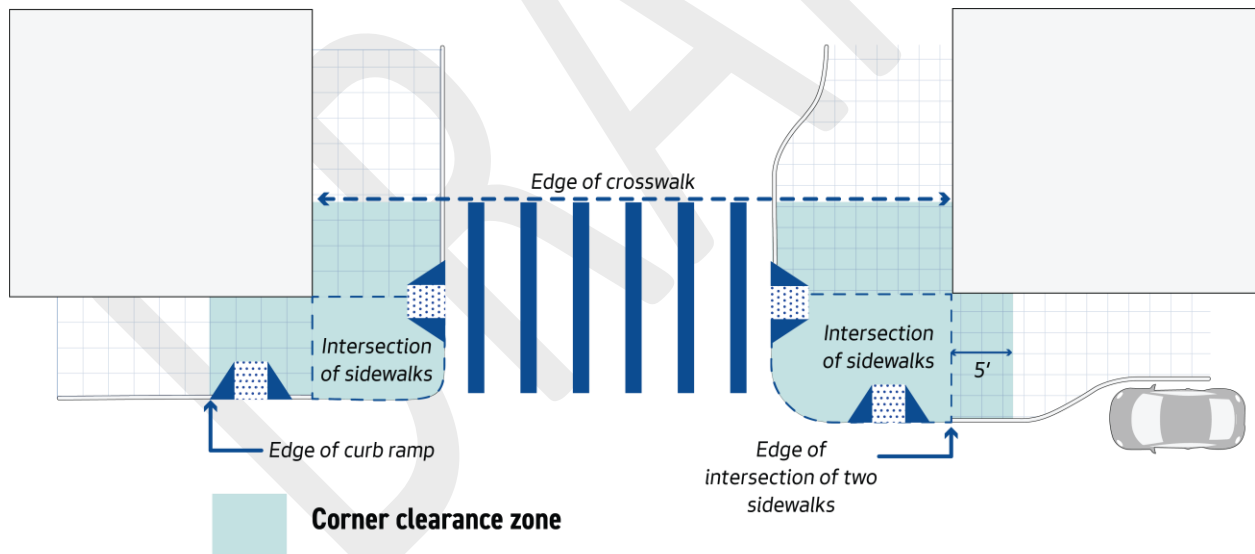
- Transportation policy 5.10: Build great streetscapes and activate public spaces in the right-of-way to promote economic vitality.
- Transportation policy 2.15: Create vibrant public spaces in and near the right-of-way that foster social interaction, promote access to walking, bicycling, and transit options, and enhance the public realm.
- Transportation policy 2.11: Design sidewalks in urban centers, urban villages, and areas designated as pedestrian zones in the Land Use Code to meet the dimensional standards as specified in the Right-of-Way Improvements Manual to foster vibrant pedestrian environments in these areas.
- Transportation policy 2.6: Allocate space in the flex zone to accommodate access, activation, and greening functions, except when use of the flex zone for mobility is critical to address safety or to meet connectivity needs identified in modal master plans.
- Growth Strategy policy 3.25: Promote well-defined outdoor spaces that can easily accommodate potential users and that are well integrated with adjoining buildings and spaces.

# 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 "Café" means a portion of the public place where tables and seating are placed for providing table service for patrons consuming food or beverages, including alcoholic beverages, that is operated by a food service business located on abutting property, unless its location is otherwise approved by the Seattle Department of Transportation. Cafés on the sidewalk abutting the property line are called "frontage zone cafés," cafés in the planting strip portion of the sidewalk are called "furniture zone cafés," and cafés in the curbspace are called "curbspace cafés." Cafés are authorized under a duration established by the issued permit and may be temporary (up to four weeks per calendar year), seasonal (set season from April 1 until October 31 every year), or annually renewable and intended for long-term use. (SMC 15.02.042)

3.3 "Corner clearance zone" means the area that includes the intersection of two sidewalks and extends on the sidewalk to whichever is farther: 5 feet from the intersection of two sidewalks; or the far edge of a marked crosswalk or curb ramp, as illustrated in Exhibit B for 15.02.042.; (SMC 15.02.042)



3.4 "Crosswalk" means the portion of the roadway between the intersection area and the prolongation or connection of the farthest sidewalk line, or, in the event there are no constructed sidewalks, then between the intersection area and a line ten feet (10') therefrom, except as modified by a marked crosswalk. (SMC 11.14.135)

3.5 "Diverter" means a design element placed on either end of a café that clearly defines the extent of the café footprint and indicates the intended direction of travel along the block face.

3.6 "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;
    - d. 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)
- 3.7 "Intersection" means the area enclosed within the projection of the lateral curbs, or if no curbs, then the projection of the lateral roadway boundaries of two (2) or more streets which join one another at an angle, whether or not such streets cross each other. (SMC 11.14.265.A)
- 3.8 "Pedestrian clear zone" means the area of the public place that is specifically reserved for pedestrian travel. Street furniture, plantings, and other obstructions shall not protrude into this zone. (SMC 15.02.046)
- 3.9 "Pedestrian straight path" means a 3-foot-wide continuous, straight, and unobstructed corridor within the designated pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the permitted area's boundaries along the block face. The pedestrian straight path provides pedestrians with a clear indication of the travel path location, usually parallel to the curb, and dictates that the pedestrian clear zone shall be generally straight with no sharp turns. (SMC 15.02.046)
- 3.10 "Permittee" means a person or entity that has received a permit to use the public place. (SMC 15.02.046). A permittee is also known as the "café owner."
- 3.11 "Public place" means public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned. (SMC 15.02.046)



# CAFÉ LOCATIONS

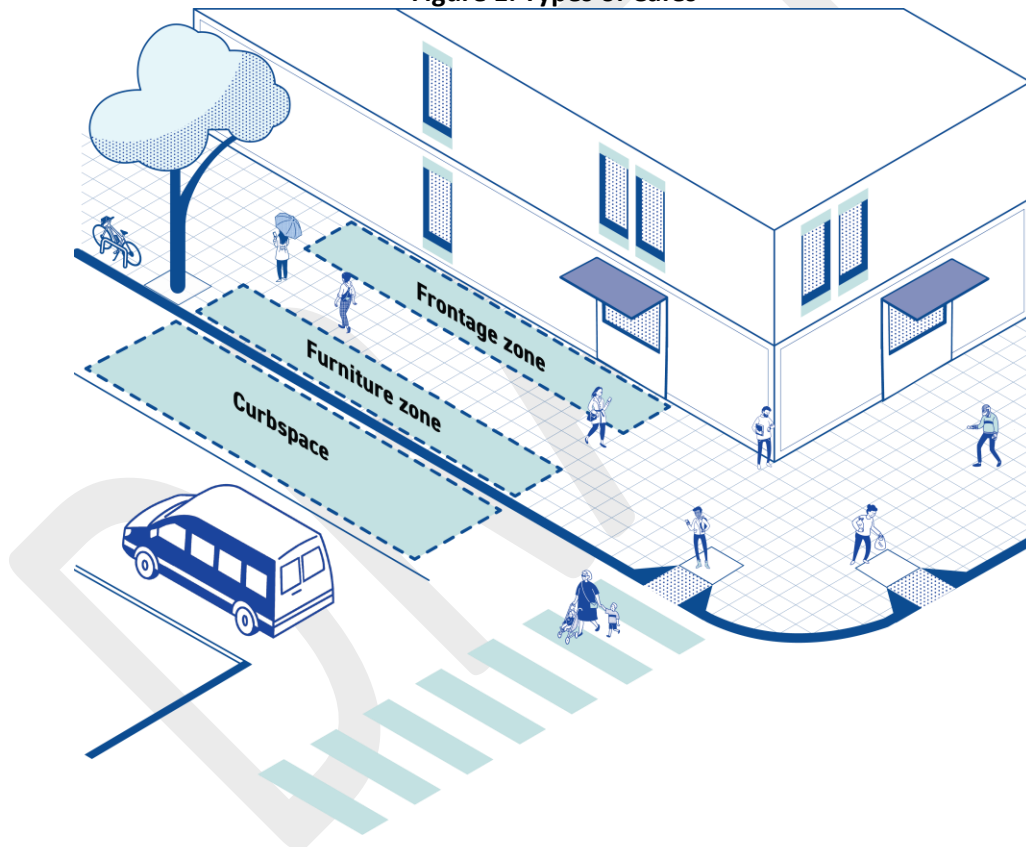
## 4.1 LOCATION IN THE PUBLIC PLACE

4.

4.1.1 We seek to manage public spaces to allow for private uses while prioritizing public access, mobility, and safety. Depending on site conditions, we may limit the size, bulk, allowable structures, or allow only one type of café per business frontage to achieve an appropriate balance of uses of the public place.

4.1.2 There are three common types of cafés, based on where in the public place they are located: curbspace café, furniture zone café, and frontage zone café as depicted in Figure 1.

Figure 1. Types of Cafés



4.1.3 Cafés may be sited in other public place locations, such as plazas or alleys. In these cases, SDOT has the authority to determine and apply the appropriate and applicable standards from this rule.

## 4.2 FRONTAGE REQUIREMENTS

4.2.1 Cafés shall be located within the frontage of the permittee's food service business establishment unless an extension is authorized under 4.2.2. The frontage is measured as the

width between the lateral property lines or the furthest extents of the tenant space, whichever is narrower.

4.2.2 All café types may be allowed to extend beyond the permittee's frontage to adjacent frontages as long as the café is at least partially located in the frontage of the permittee's establishment.

4.2.3 In reviewing and approving a request to extend a café beyond the applicant's frontage, we may consider factors such as: the balance of public versus private use (Section 4.1.1), the share of right-of-way space utilized by an individual business; the potential benefit of additional activation to the streetscape and pedestrian experience; limitations the requesting business may have within their frontage; pedestrian mobility impacts; current and potential access impacts, needs, or future activation potential by the adjacent business or property owners; and input received from businesses, property owners, and the public during the public comment period (as outlined in Section 7.5).

DRAFT

# SITING STANDARDS

SDOT will not approve cafés that adversely impact the traveling public or interfere with the functionality of other public infrastructure. Cafés located in alleys, plazas, and other alternative locations in the public place may be required to comply with these standards as deemed appropriate by SDOT, in consultation with other City departments as necessary.

## 5.1 MEASUREMENT STANDARDS

5.1.1 Siting standards in Section 5 apply to the entire café footprint, which includes any associated elements located in the public place that extend beyond the café's operational space.

5.1.1.1 Examples include fence post bases, diverters, and objects protruding from fencing such as planters.

5.1.1.2 For curbspace cafés, wheel stop buffers are not considered part of the café footprint for siting purposes.

5.1.2 Siting dimensions are measured from the furthest extent of the café footprint including associated elements into the public place to the outside edge of the nearest obstruction (e.g. tree pit, pay station, bike rack, signpost base, or other objects). For frontage zone cafés, if no obstruction exists on the sidewalk, these dimensions are measured to the back of the curb.

## 5.2 CLEARANCE REQUIREMENTS FOR PEDESTRIAN MOBILITY

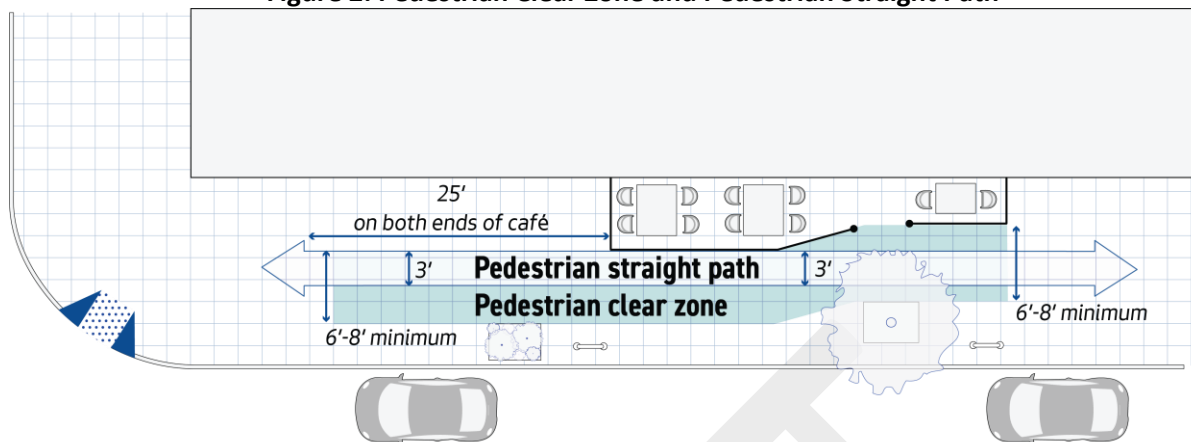
### 5.2.1 CORNER CLEARANCE ZONE

5.2.1.1 Cafés shall be sited to provide an unobstructed corner clearance zone, as depicted in Exhibit B for 15.02.042: Corner Clearance Zone. (See Section 3.3)

### 5.2.2 PEDESTRIAN CLEAR ZONE

5.2.2.1 Cafés located on the sidewalk or where pedestrian mobility is impacted shall be sited to provide an unobstructed pedestrian clear zone abutting the entire length of the café, as shown in Figure 2.

**Figure 2. Pedestrian Clear Zone and Pedestrian Straight Path**



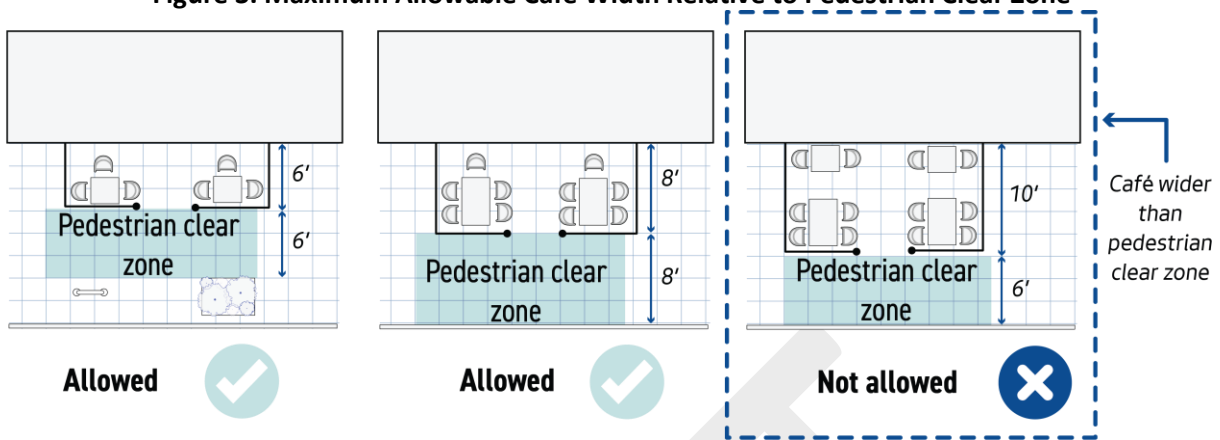
5.2.2.2 The Director may determine that the pedestrian clear zone can extend into an adjacent public place closed to vehicular travel, a public place plaza, or other public space in consultation with the authorizing official responsible for regulating or managing the space.

5.2.2.3 The minimum width of the pedestrian clear zone is determined by the street type where the café is located as defined by the Right-of-Way Improvements Manual or successor rule.

- In no case shall the pedestrian clear zone be less than 6 feet wide.
- Cafés located on the sidewalks of Downtown Streets, as defined by the Right-of-Way Improvements Manual, shall have a pedestrian clear zone at least 8 feet wide.
- The Right-of-Way Improvements Manual calls for wider minimum pedestrian clear zone dimensions along certain streets. Cafés located on sidewalks shall maintain a minimum pedestrian clear zone equal to the dimension established for the street type where the café is located, including additional width requirements based on the adjacent land use (e.g., located within a pedestrian-designated zone, as defined by SMC 23.34.086) and transportation context (e.g., located on a street within the Frequent Transit Network).

5.2.2.4 Upon installation, the width of the permitted footprint of the café on the sidewalk shall not be greater than the width of the pedestrian clear zone, as shown in Figure 3.

**Figure 3. Maximum Allowable Café Width Relative to Pedestrian Clear Zone**



5.2.2.5 Cafés with a fence-free design shall provide at least one foot of additional pedestrian clear zone clearance on the adjacent sidewalk to account for a service aisleway if the café is located:

- On a *Downtown Street* or *Downtown Neighborhood Street*, as defined by the Right-of-Way Improvements Manual or successor rule; or
- In a pedestrian-designated zone, as defined in SMC 23.34.086 or successor code; or
- Adjacent to high-capacity transit zones.

5.2.2.6 The pedestrian clear zone shall be free of vertical obstructions under 8 feet tall, as measured from the public place surface.

### 5.2.3 PEDESTRIAN STRAIGHT PATH

5.2.3.1 Cafés located on the sidewalk or where pedestrian mobility is impacted shall be sited to provide an unobstructed pedestrian straight path, as shown in Figure 2.

- The pedestrian straight path dictates that the pedestrian clear zone shall be generally straight and with no sharp turns that impair pedestrian mobility.
- This 3-foot-wide pedestrian straight path runs along the café's length and extends 25 feet on either end of the café's boundaries along each block face where the café is located.
- It shall be a continuous, straight, and unobstructed corridor within the pedestrian clear zone that provides a clear indication of the path of travel location, usually parallel to the curb, around and in the immediate vicinity of the café.
- If the pedestrian straight path is within 10 feet of the corner clearance area, SDOT will consider the route from the curb ramp landings to the pedestrian straight

path and may require additional dimensions pursuant to Applying the Siting Standards section.

### 5.3 SETBACK REQUIREMENTS FOR FRONTAGE ZONE CAFÉS

5.3.1 Cafés shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule, except for setbacks from the pedestrian clear zone. When cafes are proposed in both the furniture zone and frontage zone at a single site, or when there are significant fixed objects in either the frontage or furniture zones, SDOT may require an additional setback between the cafe(s) and the pedestrian clear zone to improve mobility;

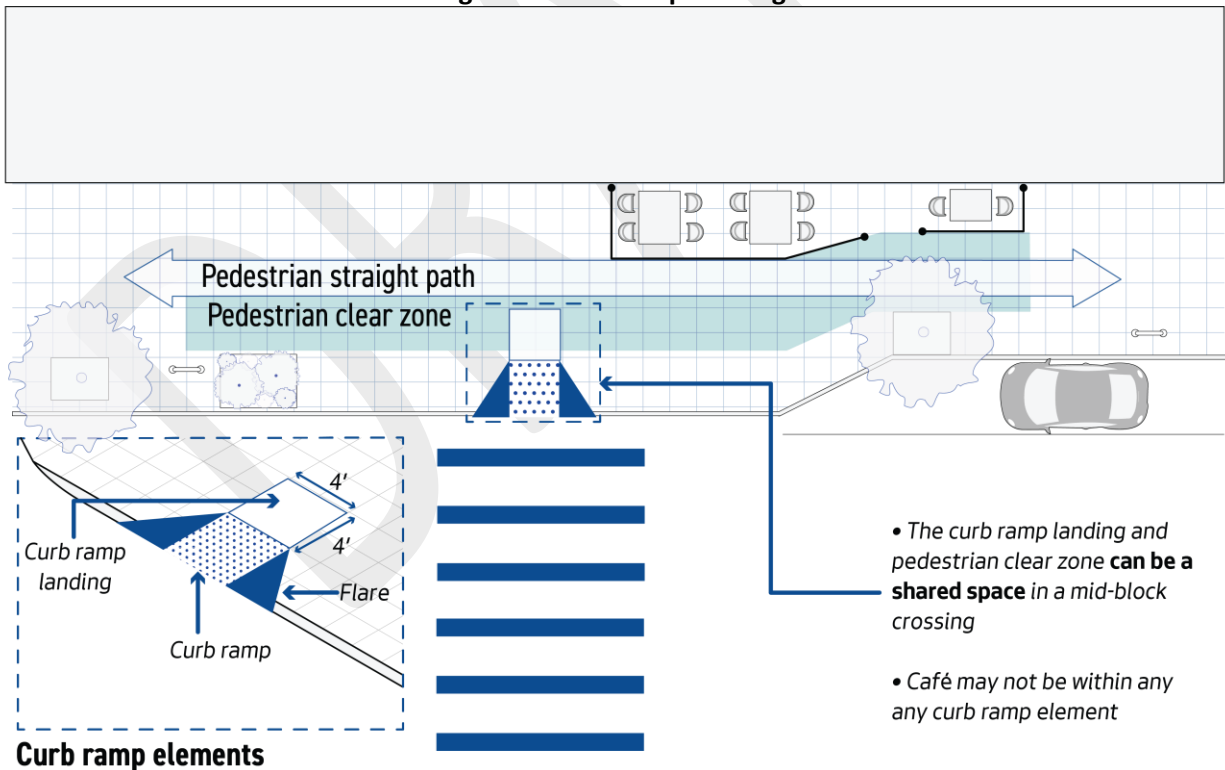
5.3.2 Cafés shall not be sited in a way that inhibits the operation, maintenance, visibility, or functionality of any utilities or street fixtures;

5.3.3 Cafés shall be sited:

5.3.3.1 At least 10 feet from alleys and driveways;

5.3.3.2 Not within any curb ramp element including the curb ramp landing, as shown in Figure 4;

**Figure 4. Curb Ramp Landing**

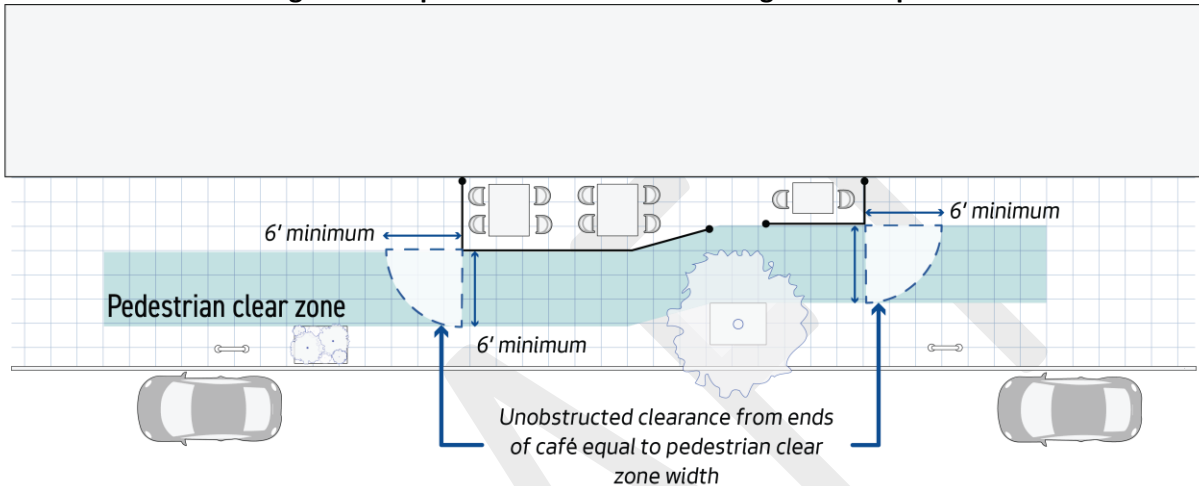


5.3.3.3 At least 5 feet from Fire Department connections and fire escape ladders unless an alternative dimension is approved by the Seattle Fire Department;

5.3.3.4 To provide adequate access to public and private utilities, access panels, valves, and other features. Restricted access to any utility shall be approved by the relevant public or private utility agency and SDOT; and

5.3.3.5 To maintain an adequate clearance equal to the pedestrian clear zone width from other street fixtures in the public place beyond the café frontage where pedestrian mobility could be impacted, as shown in Figure 5.

**Figure 5. Required Clearance Surrounding Café Footprint**



#### **5.4 SETBACK REQUIREMENTS FOR FURNITURE ZONE CAFÉS**

5.4.1 Cafés shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule, except for setbacks from the pedestrian clear zone.

5.4.2 Cafés shall not be sited:

5.4.2.1 In a way that inhibits the operation, maintenance, visibility, or functionality of any utilities or street fixtures;

5.4.2.2 In a tree pit, unless approved by SDOT Urban Forestry;

5.4.2.3 Adjacent to bus zones, commercial vehicle loading zones, and designated food-vehicle or vending zones; and

5.4.2.4 Adjacent to passenger loading zones or designated disabled spaces (ADA) unless approved by SDOT.

5.4.3 Cafés shall be sited:

5.4.3.1 At least 5 feet from alleys and driveway aprons;

5.4.3.2 Not within any curb ramp element including the curb ramp landing, as shown in Figure 4;

5.4.3.3 At least 10 feet from the corner clearance zone;

5.4.3.4 To provide adequate access to public and private utilities, access panels, valves, and other features. Restricted access to any utility shall be approved by the public or private utility and SDOT;

5.4.3.5 To maintain an adequate clearance equal to the required pedestrian clear zone width from other street fixtures in the public place beyond the café frontage where pedestrian mobility could be impacted, as shown in Figure 5;

5.4.3.6 To provide adequate clearance from the back of curb, cafes must meet clearances from back of curb as required in the Right-of-Way Improvements Manual. When the adjacent use is parking, a minimum 3-foot-wide setback is required. SDOT may require additional width when the café will be approved on a block without designated disabled parking (ADA), adjacent to a passenger load zone (when approved by SDOT), or adjacent to a shuttle or charter bus zone; and

5.4.3.7 To provide adequate access between the curb and the sidewalk, SDOT will review cafes to ensure there is adequate connectivity and may limit the length of cafes to provide access between the sidewalk and curb. Cafes 20 lineal feet or longer must provide a 4-foot-wide clear path-of-travel except when the adjacent curbspace use is vehicle travel lanes, unless waived or a longer distance is approved by SDOT. This sidewalk access standard must consider other existing furniture zone amenities, fixtures, and infrastructure.

## **5.5 SETBACK REQUIREMENTS FOR CURBSPACE CAFÉS**

5.5.1 Cafés shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule, except for setbacks from the pedestrian clear zone.

5.5.2 In cases where the usable space in the curbspace (i.e., “flex zone”) is not directly contiguous to the curb (e.g., where bicycle lanes are present in between the flex zone and sidewalk), curbspace cafés require additional SDOT review to ensure safety and mobility for all users.

5.5.3 Cafés shall not be sited:

5.5.3.1 In a way that inhibits the operation, maintenance, visibility, or functionality of any utilities or street fixtures; and

5.5.3.2 In a transit or travel lane, bus zone, ADA-designated parking zone, or loading zone, unless the relocation of the curbspace use is approved by SDOT; and

5.5.3.3 In a curb ramp element including the curb ramp landing as shown in Figure 4.

5.5.4 Cafés shall be sited:



5.5.4.1 At least 5 feet from alleys or driveway aprons;

5.5.4.2 A least 5 feet from a fire hydrant;

5.5.4.3 To provide adequate access to public and private utilities, access panels, valves, and other features, and to approved, scheduled waste staging areas.

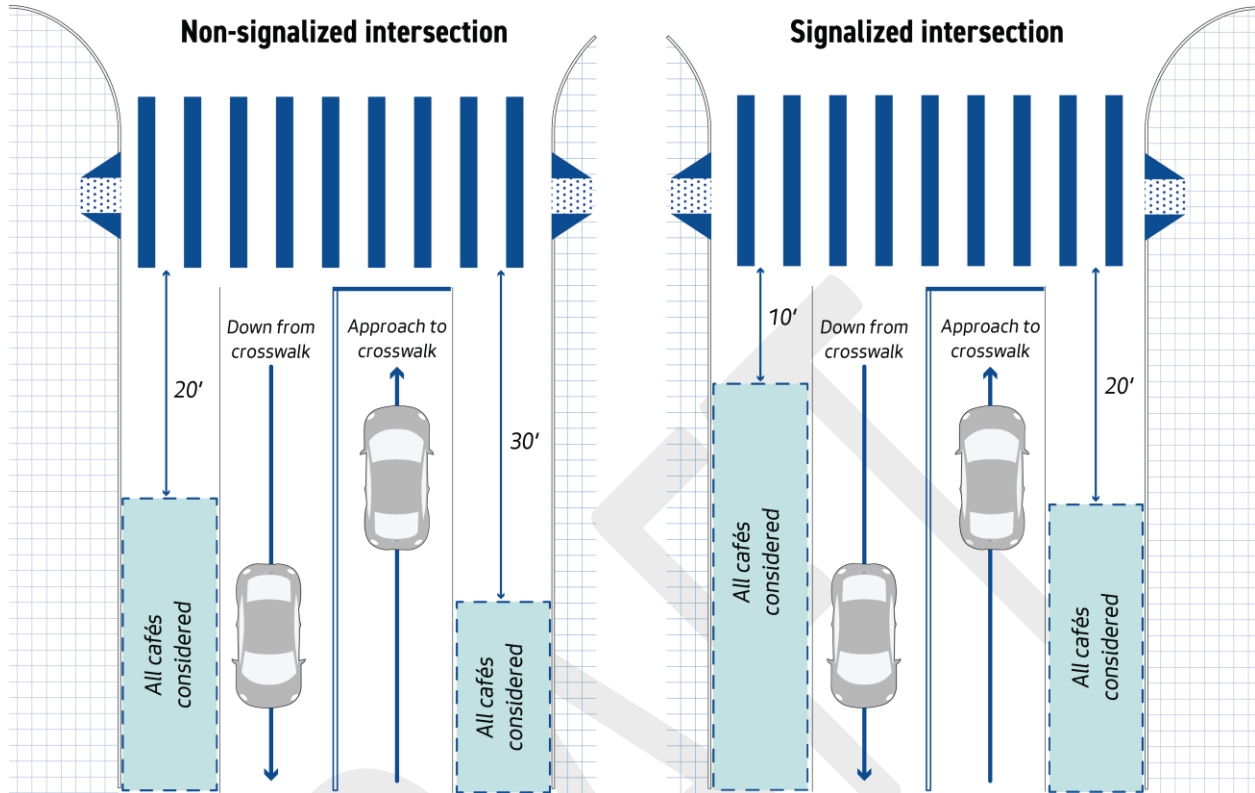
5.5.4.4 SDOT will consider during application review, how café siting might affect regular waste staging; Restricted access to any utility shall be approved by the public or private utility and SDOT;

5.5.4.5 To maintain roadside drainage; and

5.5.4.6 An appropriate distance from either a crosswalk or a curb ramp, whichever is closest to the curbspace café:

- At a non-signalized intersection including stop-controlled, yield-controlled, and uncontrolled intersections: (a) at least 30 feet from the approach to any crosswalk or curb ramp; and (b) at least 20 feet downstream from any crosswalk or curb ramp (See Figure 6);
- At a signalized intersection: (a) at least 20 feet from the approach to any crosswalk or curb ramp; and (b) at least 10 feet downstream from any crosswalk or curb ramp (See Figure 6); or

**Figure 6. Curbspace Café Siting Relative to Intersection Type**



- At a mid-block crosswalk: (a) at least 20 feet from the approach to any crosswalk or curb ramp; and (b) at least 20 feet downstream from any crosswalk or curb ramp;
- On a case-by-case basis, SDOT may consider a shorter setback from a crosswalk or curb ramp if site-specific conditions are appropriate, including but not limited to: (a) if a curb extension, curb bulb-out, or other street design treatment improves visibility near crosswalks; or (b) if the height of the structure is less than 36 inches tall, as measured from the public place surface.

## 5.6 APPLYING THE SITING STANDARDS

5.6.1 SDOT has authority to require dimensions greater than the minimum standards outlined in this rule based on site-specific conditions (SMC 15.16.040.C), including, but not limited to:

5.6.1.1 Areas with transit-loading zones, public plazas, art installations, and adjacent land use or access points with high stationary pedestrian use of the sidewalk;

5.6.1.2 Areas with high peak-period pedestrian volumes, high event-period pedestrian volumes, or temporary demands on the sidewalk like permitted free-floating mobility devices;

5.6.1.3 Areas with approved street design plans or street concept plans that call for additional space for pedestrians; and

5.6.1.4 Areas where the proposed café placement would divert pedestrian traffic to lower-quality sidewalk surfaces, conditions, slopes, or routes or to surfaces that do not meet ADA accessibility requirements. This includes where the pedestrian clear zone and/or straight path would have a substantial jog from the ADA curb ramp and landing.

## 5.6.2 Applicant-Requested Deviations from Siting Standards

5.6.2.1 The Director of Transportation may grant a deviation from the siting standards in Sections 5.1 through 5.5 of this Director's Rule upon determining adequate space is provided for pedestrian passage, traffic management, and all other public-use purposes (SMC 15.04.35.E):

5.6.2.2 Applicants may request consideration of reduced dimensions to the standards established in Section 5.6.2.1 by submitting a deviation request as established in the Right-of-Way Improvements Manual or successor rule. In addition to the deviation request submittal requirements, SDOT may require additional information necessary to evaluate the deviation request. Additional review time and review fees may be required.

5.6.2.3 SDOT may evaluate the deviation request to determine if a café with the proposed deviation is a suitable use for the proposed site and will not unreasonably infringe on use of the public place by the traveling public. In making the determination, we may consider factors including, but not limited to:

- The alignment of the proposal with the intent of the applicable standard;
- The pedestrian volume along the block face and the impact of the café on pedestrian activity;
- The degree to which the proposal constitutes a grant of special privilege inconsistent with the limitations applied to other uses in the public place in the vicinity;
- How the proposal provides for or limits physical access to the space by people of all abilities;
- The local context, including the degree to which underdeveloped right of way makes it impossible or challenging to meet standards; and
- How the proposal compares to the minimum necessary deviation to afford relief.

# DESIGN STANDARDS

The following standards describe how cafés and associated elements should be designed and configured within the permitted café space.

## 6. 6.1 OVERALL DESIGN STANDARDS

6.1.1 Cafes should be designed in ways that consider the public nature of the street and fit into and enhance the context and streetscape. Cafes located within designated Landmarks or Historic Districts also require a Certificate of Approval from the Department of Neighborhoods. (See Section 7.3)

6.1.2 Fencing, platforms, structures, furniture, and other equipment associated with the café should be visually permeable, attractive, durable, graffiti-resistant, and easy to clean and maintain, and should not fully enclose the space.

6.1.3 We encourage simple designs that utilize existing awnings and street trees where possible to minimize the need for additional structures, umbrellas, and equipment.

6.1.4 We discourage platforms, overhead design elements and other structures for temporary or seasonal cafes. If weather protection elements are desirable, umbrellas are preferred for these cafes. All elements should be easy to remove upon permit expiration with no lasting impact to the public place.

6.1.5 Curbspace cafes are required to provide public access to the café area when not in operation by the permittee. For all types of cafes, no ropes, chains, fencing, or other barriers may be used to prevent people from entering the space outside of business hours.

6.1.6 All major structural elements, including platforms, fences, and overhead structures shall be built offsite to the maximum extent feasible, and then assembled on-site using removable and reusable hardware, such as screws, bolts, etc. so that a structure can be quickly and easily disassembled, stored, and reassembled if required by SDOT.

6.1.7 Café elements that may be unable to withstand adverse weather conditions, should be designed for removal by the permittee for severe weather events. See section 8.4.2.14 of permittee operational responsibilities.

## 6.2 EXITS FROM BUILDINGS

6.2.1 A clear path-of-travel shall be maintained from any required building exit and shall be at least 44 inches wide or of equal width to the exit door, whichever is wider. This clear path-of-travel shall be free of obstructions, like tables or fencing, and directly connect the building exit to the public place sidewalk.

### **6.3 AISLES**

6.3.1 SDOT does not review specifically for aisles within the café footprint. Tables and chairs must fit within the approved café footprint with adequate space for movement between furniture, fencing, and buildings without requiring use of the public place outside the footprint, except for fence free cafes. The café must also comply with Title III of the Americans with Disabilities Act (ADA), see Section 7.3. When SDCI review is required pursuant to Section 7.1, aisles will be required and reviewed by SDCI.

### **6.4 FENCING**

All cafés shall provide a demarcation to separate the permitted café footprint from the surrounding public space, which can include fencing, demarcations for fence-free cafes, and planters. We want cafés to bring activity and vibrancy to the public place, benefiting patrons and passersby. When fencing or planters are used to demarcate the permitted café footprint, the following requirements apply. Fence-free café requirements are found in Section 6.7. Specific requirements for curbspace café fencing are found in Section 6.8.

6.4.1 Fencing shall be between 30 and 42 inches in height from the public place surface or approved platform;

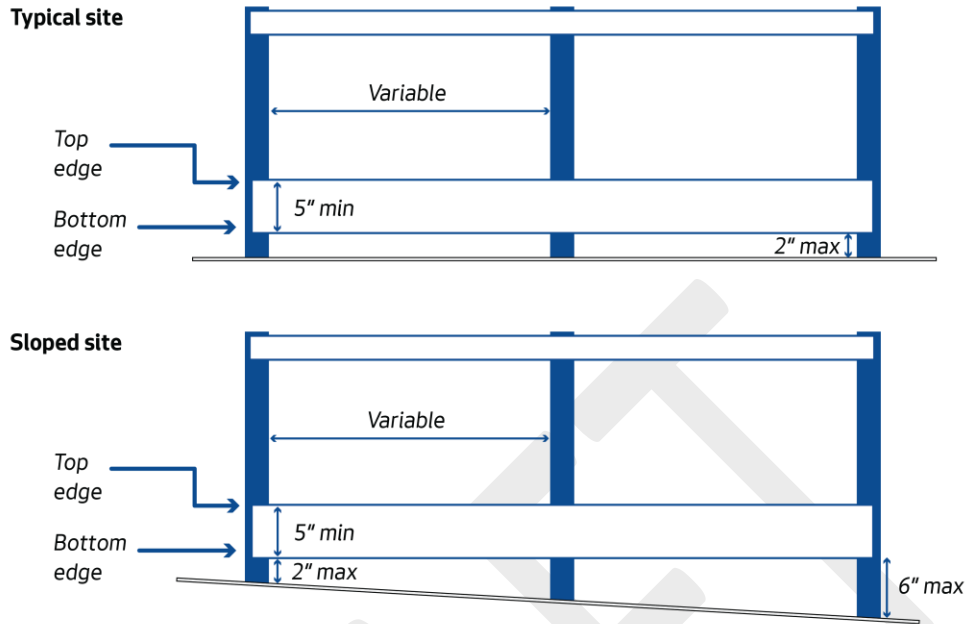
6.4.1.1 For cafés serving alcohol, fencing shall conform to the current Washington State Liquor and Cannabis Board requirements for fence height which is currently 42 inches in height;

6.4.1.2 In general, SDOT may not approve any fencing design features that extend above 42 inches tall. Exceptions include for fence posts, finials, or approved overhead design elements, as described in Section 6.5. In addition, SDOT may consider exceptions to maximum fence height based on slope and other site conditions;

6.4.2 Fencing and boundary elements shall be cane detectable and should be of a contrasting color to warn blind and low-vision persons of potential hazards in the public place. Fencing shall include one or more of the following detectable elements:

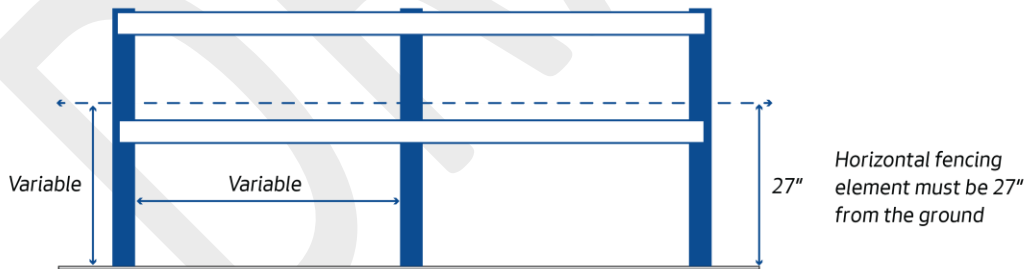
6.4.2.1 A toe rail with a top edge at a minimum of 6 inches in height and its bottom edge no higher than 2 inches above the ground surface. The toe rail dimensions shall remain at least 5 inches tall from bottom edge to top edge. In certain sloped conditions, the bottom edge height can vary up to 6 inches above the ground surface as shown in Figure 7;

**Figure 7. Fencing Design for Cane Detectability: Toe Rail**



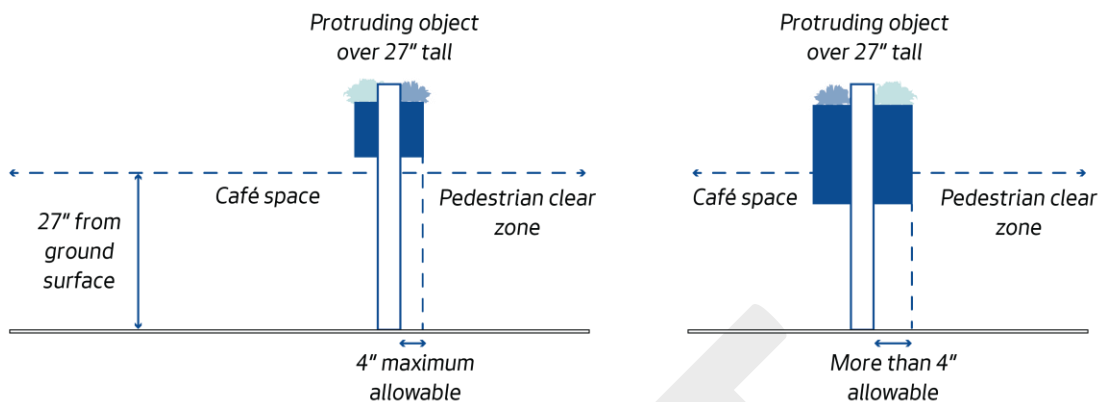
6.4.2.2 A continuous, firm barrier at 27 inches or less above the ground. If the fence or boundary element is not continuous or consists of posts connected by hanging ropes or chains, a firm detectable barrier shall run continuously along the pedestrian-side of the fence or boundary element at a height of 27 inches or less as shown in Figure 8;

**Figure 8. Fencing Design for Cane Detectability: 27-inch Tall Railing**



6.4.2.3 To provide cane detection, fencing and other boundary elements shall be constructed so they are free of objects that protrude more than 4 inches when located between 27 and 80 inches above the ground surface as shown in Figure 9;

**Figure 9. Cane Detectability of Objects Protruding from Fencing**



6.4.3 Where abutting the sidewalk or pedestrian areas, fencing shall be generally transparent to limit visual obstructions between the café and the surrounding public place. Throughout the fencing area, there shall be a minimum of 50% transparency;

6.4.4 Café designs that have minimal physical impact to the public place are encouraged. Fence posts may be attached to the sidewalk with bolts or may use free-standing bases;

6.4.5 Fencing shall be constructed of durable and non-reflective materials intended for outdoor use such as steel, glass, or wood. Breakable plastic is prohibited;

6.4.6 Fencing shall not include gates;

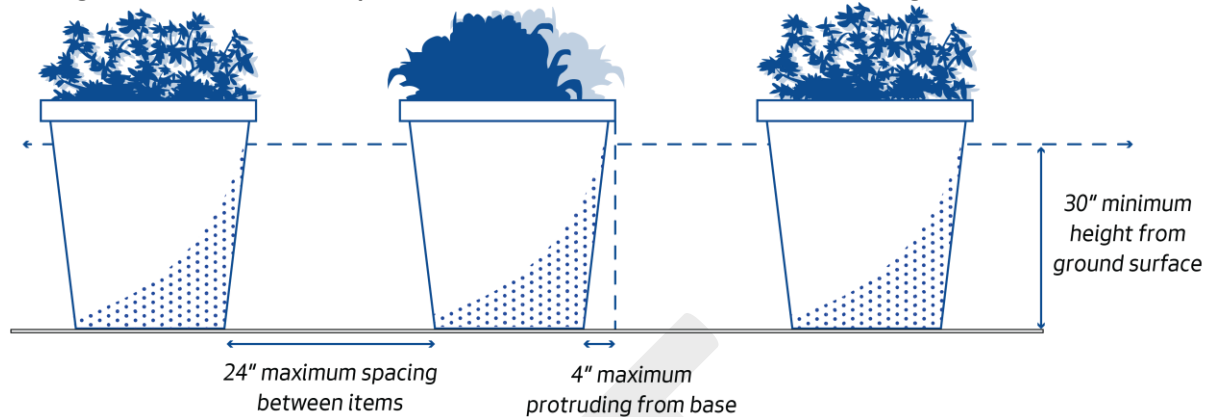
6.4.7 Posts with pointed tops are prohibited; and

6.4.8 Landscaped planters or other landscaping elements may be used as a fencing component or in lieu of fencing to define the café footprint. If the café is serving alcohol, the fencing or other approved partitions must meet Washington State Liquor and Cannabis Board requirements.

6.4.8.1 Planters shall meet the following requirements as shown in Figure 10 and shall be:

- At least 30 inches tall;
- Spaced no more than 24 inches apart; and
- No part of the planter may protrude horizontally more than 4 inches from where the base meets the ground surface;

**Figure 10. Placement Requirements for Planters Used in Lieu of Fencing**



6.4.8.2 The use of planters may not form a continuous, solid barrier, except for when planters are used as diverters on the ends of the cafés on sidewalks.

## 6.5 OVERHEAD DESIGN ELEMENTS

6.5.1 The use of design elements that extend above the allowable fencing height are allowed for all permit types and encouraged for long-term renewable permits where such designs facilitate all-weather and year-round patronage. These design elements may be considered at our discretion, but not at the expense of maintaining an open and transparent connection between the café and the sidewalk. Designs that overly enclose café space result in reduced accessibility, visibility, and safety to the public. Café designs with overhead elements are considered only when they do not adversely impact mobility or overly enclose the space.

6.5.2 Minimal designs that limit the perceived sense of privatizing public space are strongly preferred. SDOT will only approve more substantial structures where we find a clear benefit such as: (a) overhead weather protection to extend the active public and private use of the space into cooler seasons, or (b) additional buffering between the roadway and café space to improve a sense of safety for curbspace cafes. We also consider the dimensions and location of the café, including whether it extends into multiple zones (frontage, furniture, curbspace), and may limit the allowable structures to reduce overall bulk and sense of privatization.

6.5.3 Overhead design structures may include pop-up tents and canopies, prefabricated or manufactured structures, or custom-built structures. Pop-up tents and canopies are only allowed where under 400 square feet (with walls) or under 700 square feet (roof only).

6.5.4 Umbrellas are encouraged for cafes and may be a simple and useful way to provide overhead weather protection. For details on placement of umbrellas, see Section 8.3.

6.5.5 Overhead design elements shall meet these minimum design standards:

6.5.5.1 Overhead design elements should enhance or contribute to the overall street character through their design and material choices, while minimizing visual clutter and obstruction. Ambient specialty lighting and landscaping or planters are encouraged;



6.5.5.2 The structure shall not extend beyond the straight edge of the café footprint. On the sidewalk edge, only overhangs 8 feet or greater may project out up to a maximum of 1 foot from the structure. No overhangs shall be allowed into the roadway. All footings must fit within the approved café footprint. Where multiple zones are approved for cafes (such as a frontage and furniture zone café), overhead structures may not extend over the pedestrian clear zone; and

6.5.5.3 Structures shall be no more than one story in height;

6.5.5.4 Structures shall be 11 feet clear of King County Metro Trolley wires;

6.5.5.5 All portions of structures shall be constructed with durable and non-reflective materials that are intended for outdoor use;

6.5.5.6 Custom-built overhead structures that are not: (1) within an Exposure “C” on the SDCI Wind Factor map, (2) on a slope greater than 5%, or (3) over an areaway, are eligible to use the following prescriptive criteria and not provide an engineered design. In all other cases, plans must be stamped by a Washington State licensed architect or engineer.

- Must be constructed using standard stick framing with positive attachment and follow and SBC wood design tables from Chapter 23.
- Enclosure walls and fencing must be stable and sturdy enough to not fall over or be pushed over.
- Open Structures (includes walls on short sides of the structure and a 42” max-height fence on the long side)
  - Roof with max 8-degree pitch, drains toward street and under 750 square feet; flat roofs are not allowed
  - Posts 10 feet on center
  - 175 pounds of weight required at each post, or structure must be affixed to platform or a concrete surface
  - Width between 6-7 feet (must comply with all other setbacks)
  - Maximum height 10 feet
- Partially Enclosed Structures (up to 3 full-height walls) with no platform
  - Roof must drain towards street and be under 750 square feet; flat roofs are not allowed
  - Posts 8 feet on center
  - 335 pounds of weight required at each post (at 6’ wide) and 250 pounds of weight/post (at 7’ wide)
  - Width between 6 and 7 feet (must comply with all other setbacks)
- Partially Enclosed Structures (up to 3 full-height walls) with platform or affixed to concrete street
  - Roof must drain towards street and be under 750 square feet; flat roofs are not allowed
  - Posts 8 feet on center

- 215 pounds of weight required at each post (at 6' wide) and 110 pounds of weight/post (at 7' wide)
- Width between 6 and 7 feet (must comply with all other setbacks)
- All other designs by a licensed professional must meet the following requirements:
  - Stamped plans must account for a wind speed of 72 miles per hour and be designed to account for uplift/overturning
  - Have a maximum roof pitch of 15 degrees, drain toward the street, be no greater than 750 square feet, and not be flat
  - Have a maximum post spacing of 12 feet on center.
  - Maximum height is 10 feet

6.5.6 SDOT may impose restrictions on cafés with overhead design elements if necessary, for sight line and mobility purposes, particularly near intersections and marked crosswalks. Overhead design elements are not allowed in the following locations without an exception from the City Traffic Engineer:

6.5.6.1 For curbspace cafés and furniture zone cafés, overhead design elements shall not be located: (a) within 30 feet of an approach to a non-signalized intersection; and (b) within 20 feet of an approach to a signalized intersection; and (c) within 30 feet of an approach of a marked crosswalk not located within an intersection (both upstream and downstream); and

6.5.6.2 For frontage zone cafés, overhead design elements shall not be located within 12 feet of the curb if also located: (a) within 30 feet of an approach to a non-signalized intersection; or (b) within 20 feet of an approach to a signalized intersection; and

6.5.6.3 On a case-by-case basis, we may consider overhead design elements within the approach to an intersection or crosswalk if site-specific conditions are appropriate, including but limited to: (1) if a curb extension, curb bulb-out, or other street design treatment improves visibility near crosswalks; or (2) if the height of the structure is less than 36 inches tall.

## **6.6 WALLS**

6.6.1 Walls may be allowed for cafes with overhead weather protection structures in between the fence height and the roof. Walls shall be transparent material that is approved by SDOT.

6.6.2 SDOT encourages walls to facilitate year-round use; walls that are removable during warmer and drier times of the year are preferred.

6.6.3 If clear vinyl panels are used for wall material, they must meet Class A finish regiments in accordance with ASTM E84 or UL 723 (smoke and finish).

## **6.7 LIGHTING AND HEATING**

6.7.1 Lighting shall not flash, strobe, or be at high intensities. Lighting shall be directed toward the permitted area and not the surrounding public place. Lighting shall conform to all applicable City requirements and may require additional SDOT or SDCI review or permits.

6.7.2 Electric and propane heaters are allowed within cafes and shall conform to all applicable City requirements and may require additional SDOT, SDCI, and SFD review or permits.

6.7.3 SDOT may impose restrictions on lighting and heating elements if necessary for sight line and mobility purposes, particularly near intersections.

6.7.4 Electrical cords or strings of lights are allowed over the sidewalk, at grade, or below the sidewalk grade per the conditions below. Please note extension cords are generally not allowed by SDCI and SFD.

6.7.4.1 At least 10 feet of vertical clearance above the standing surface grade of the sidewalk is required if cords or strings of light are above the sidewalk;

6.7.4.2 Only temporary cafes may use ADA-compliant ramps for cords crossing the sidewalk at-grade;

6.7.4.3 Cords or strings of lights may not be affixed to any street fixtures, street trees, or public utilities unless authorized by the City; and

6.7.4.4 Electrical cords or strings of lights shall obtain its power from a private source.

## **6.8 PLATFORMS AND SITE-LEVELING STRUCTURES**

6.8.1 We discourage using platforms on sidewalks. Platforms or other site-leveling structures may be considered only when there is a demonstrated need for site leveling to make outdoor seating feasible (including slope or sidewalk condition) or in conjunction with a curbspace café only to the extent that it fulfills a need for accessibility or drainage. Platforms must be the minimum height necessary to meet the need.

6.8.2 Requests for platforms or site-leveling structures are subject to additional permitting requirements.

6.8.3 Seating Platform Design Standards:

6.8.3.1 Seating platforms should not be higher than what is required to level the site or address poor sidewalk conditions, 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 review;

6.8.3.2 Seating platforms shall provide:

- A fixed railing and other safety measures in accordance with SBC Section 1607.8.1 and International Code Council A117.1;

- Detectable elements as required in Section 6.4.2, except for the portion of curbspace cafés abutting the roadway;

6.8.3.3 All portions of the seating platform and its railing and footings shall be constructed with durable and non-reflective materials intended for outdoor use such as steel, glass, or wood;

6.8.3.4 Platforms shall have non-slip and weather-resistant walking surfaces;

6.8.3.5 Curbspace platforms shall allow for stormwater drainage to flow along the curb without obstruction. The platform must be built to allow water to pass underneath the entire width of the structure;

6.8.3.6 Platforms shall be designed to allow for access for regular maintenance, including being able to clean the space under the platform;

6.8.3.7 Where platforms over utility access points are allowed by the utility, access panels shall be provided;

6.8.3.8 Platforms shall be designed to be load-bearing. Platforms over areaways will require additional engineering analysis and may have further restrictions or requirements; and

6.8.3.9 Seating platforms shall be temporary in nature and removable, with no lasting damage to the sidewalk or public place. The frame shall not be permanently attached to the public place, although small bolts are allowed. No pouring of concrete is allowed. Removal may require restoration, see Section 8.2.

## **6.9 FENCE-FREE CAFÉS**

Fence-free cafés are intended to: improve customer movement in and around the café; promote a more open-air dining experience for patrons; integrate outdoor dining with adjacent public space to reduce the perception of privatizing the sidewalk; and reduce costs for permittees. Fence-free proposals are reviewed with a focus on our interest in maintaining the feeling of open-air, flexible, and seasonal outdoor dining that opens the sidewalk for mobility when the café is not in operation.

6.9.1 Cafés shall meet the following eligibility criteria to be considered for fence-free design:

6.9.1.1 Permittees shall hold a restaurant liquor license or not serve any alcohol;

6.9.1.2 Permittees shall provide table service for the café or have dedicated attendant, wait staff, or server for the space when in use; and

6.9.1.3 Cafés shall not have platform or other site-leveling structure.

6.9.2 Fence-free cafés shall use an SDOT-approved form of demarcation to separate the café footprint from the surrounding public place. Footprint demarcation shall be placed:

6.9.2.1 Along the entire café boundary and spaced at least every 10 feet;

- 6.9.2.2 At the café footprint corners and where the footprint meets the building;
  - 6.9.2.3 At the edge of expected furniture placement, thus providing no space between furniture and the pedestrian clear zone (see Figure 3 in Section 8.3.2.1 for a diagram);
  - 6.9.2.4 Oriented toward the pedestrian clear zone for readability and consistency; and
  - 6.9.2.5 In a way that does not create a trip hazard.
- 6.9.3 Diverters shall be placed on either end of the fence-free café footprint, unless otherwise approved by SDOT, and shall meet the following design standards:
- 6.9.3.1 Be between 30 and 42 inches tall;
  - 6.9.3.2 Extend the entire width of the café footprint either as: (a) a single object detectable by cane, as defined in Section 6.4.2; or (b) multiple elements with the spacing requirements established in Section 6.4.8.1;
  - 6.9.3.3 Abut the adjacent building and extend at a 90-degree angle from the building face;
  - 6.9.3.4 Be able to withstand wind, adverse weather conditions, and incidental contact;
  - 6.9.3.5 Not have supports or any elements that protrude beyond the café boundary;
  - 6.9.3.6 Not be bolted to the sidewalk; and
  - 6.9.3.7 Be constructed of materials that are of one or more contrasting colors to the sidewalk surface and to the building to increase visibility for the visually impaired.

## **6.10 CURBSPACE CAFÉS**

- 6.10.1 Curbspace cafés shall conform to the following dimensional requirements:
- 6.10.1.1 Be a minimum of 12 feet long and a maximum of 40 feet long (including any required wheel stop buffer areas and overhangs). When designing the café, consider the distances from corners and other breaks in parking and plan to not create gaps generally less than 20 feet that are too small to accommodate other curbspace use. SDOT may require cafes to be shorter than the maximum or may grant exceptions to increase the allowable length of café upon review of the conditions of the curbspace functions on the block. SDOT must find that all curbspace functions are adequately accommodated on the block and that there is a balance of access needs for other businesses and entities on the block;
  - 6.10.1.2 Allow for a 1-foot minimum setback from the furthest edge of the café to the edge of travel lanes (including bike lanes). Nothing is allowed to overhang into the minimum setback area unless approved by SDOT; and
  - 6.10.1.3 Have wheel stop buffers at least 3 feet from the edge of café's footprint, where required.

6.10.2 Fencing is required for curbspace cafés to delineate the café area from the pedestrian clear zone, adjacent curbspace uses, and the vehicle travel lane. The following design standards shall apply:

6.10.2.1 For the portion of the café that abuts the sidewalk, all requirements in Section 6.4 apply;

6.10.2.2 Applicants are encouraged to consider fencing designs that allow the portion of the café that abuts the sidewalk to appear as open and inviting as possible to encourage public use when not functioning as a café, including multiple exits or removable or adaptable fencing; and

6.10.2.3 For the portion of the café that abuts other curbspace uses and the vehicle travel lane:

- Fencing does not need to meet the cane detectability standards (Section 6.3.2) or fencing transparency standards (Section 6.3.3); all other fencing standards in Section 6.3 apply;
- Fencing shall have additional visibility elements, including reflective elements as specified by SDOT; and
- Fencing shall be constructed to have a continuous edge to increase visibility for road users. This fencing shall be:
  - At least 36 inches tall; or
  - At least 42 inches tall if required by the Washington State Liquor and Cannabis Board.

6.10.3 To allow emergency access from the street, curbspace cafes must have a clear 5' opening for every 50 feet of structure/fence that restricts direct access from the curb to the sidewalk, unless otherwise approved by SDOT and SFD

6.10.4 SDOT may require barricades in addition to café fencing on arterial streets.

6.10.5 Because curbspace cafés shall be open to the public outside of business hours, applicants are encouraged to propose designs which encourage public use including built-in seating and fencing that is removable where it adjoins the sidewalk.

## **6.11 SEASONAL AND TEMPORARY CAFES**

6.11.1 In addition to long-term, annually renewing cafés, SDOT may permit cafés that are temporary (up to 4 weeks per calendar year) or seasonal (for use between April 1 and October 31). Unless specified in this section, all design requirements listed above will apply also to seasonal or temporary cafés.

6.11.2 Fencing materials used should be able to withstand their intended duration of use, be adequate for visibility where adjoining the travel lane, and meet cane detectability requirements.

6.11.3 For seasonal and temporary cafés in the curbspace, the following design guidance applies in lieu of wheel stops required in 6.7.1.3:

6.11.3.1 Cones or flex posts are sufficient for demarcating the boundary for temporary cafes;

6.11.3.2 A temporary wheel stop (unbolted) with flex posts for seasonal cafés.

6.11.4 Platforms and overhead design elements, as discussed in 6.3 and 6.4, are discouraged for seasonal and temporary cafés. Only easily removable structures will be considered, and installation/removal should not trigger Construction Use permits. Generally, only pre-fabricated structures, canopies and tents, and umbrellas will be considered.

## **6.12 DESIGN EXCEPTIONS**

6.12.1 Applicants may request consideration of alternative designs that do not meet the specific minimum standards of this section. We will consider exceptions as part of our standard permit review process and engage City staff with design specialization as necessary. We will consider how the requested design provides for creative and functional design without overly privatizing the space.

# APPLICATION REVIEW PROCESS

SDOT provides current application requirements, process, and timeline on the SDOT Permit website. This section details some of the critical components of application review and consideration.

## 7. 7.1 MINIMUM REQUIREMENTS FOR APPLICATION

7.1.1 The applicant shall be the owner or occupant of the abutting property.

7.1.1.1 Proposals for cafés that will require bolting to any SDOT asset, including the sidewalk or street surface, shall require notification to the adjacent property owner prior to permit approval.

## 7.2 REVIEW BY THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS (SDCI)

If SDCI review or additional SDCI permits are required, SDOT will notify the applicant of this requirement. We will not issue the Street Use café permit until the required SDCI review is completed or SDCI permits are issued.

7.2.1 SDCI review is required for cafés under any of the following conditions:

7.2.1.1 The total area of the café is 350 square feet or more;

7.2.1.2 The total area of the café is less than 350 square feet and the distance to the exit in the public place is 75 feet or more for any portion of the café;

7.2.1.3 The only legal exit path from the café is through the food service business;

7.2.1.4 The abutting building's exterior is altered as result from café installation;

7.2.1.5 When an average of 4 feet or more of the café is on private property, SDCI may require a change of use; or

7.2.1.6 When overhead design elements are attached or connected to a building or an existing building-affixed structure.

7.2.2 SDOT has the discretion to require review by SDCI for cafés with complex designs or more substantial structural elements.

## 7.3 HISTORIC AND LANDMARK DISTRICT REVIEW

7.3.1 If a café is located within a designated Landmark or in a historic district, a Certificate of Approval is required prior to issuance of the SDOT permit.

## 7.4 ADA REQUIREMENTS

Our review of café applications to determine compliance with the Americans with Disabilities Act (ADA) is limited to Title II of the ADA, which encompasses the requirements for state and local governments. Under this review, our focus is to determine that the public place around the café is



accessible and usable for people living with disabilities. The café permittee has independent obligations under Title III of the ADA.

We do not review a café application for compliance with Title III, which applies to public accommodations and commercial facilities. Café permittees are solely responsible for complying with Title III of the ADA, and all other federal and state accessible design standards. Permittees are obligated to offer accommodations that provide an equal opportunity for individuals with disabilities to enjoy the goods and services offered to everyone. Even if furniture is required to be included on a site plan, we are not reviewing the interior of the café for Title III compliance. SDOT does not review the ADA suitability of furniture, its placement inside the café footprint, or for accessible aisleways. Approval of the Street Use café permit does not establish compliance with ADA or other state and local accessibility regulations.

7.4.1 SDOT will review for the following:

7.4.1.1 ADA access in the public place around the café by requiring an adequate pedestrian clear zone as described in Section 5.2.2; and

7.4.1.2 Fencing or other boundary element is detectable by cane as described in Section 6.3.2.

7.4.1.3 As a condition of the Street Use café permit, we require that all permittees comply with Title III of the Americans with Disabilities Act (ADA).

## **7.5 PUBLIC NOTICE**

7.5.1 We may require applicants provide public notice of Street Use application in a form approved by SDOT. Notice is intended to inform the public of and solicit comments on the proposed use. (SMC 15.04.030)

7.5.2 A Street Use café permit shall not be issued until after the close of the public notice period. In making the decision to issue a permit, we will consider public comments that are related to the SDOT Director's authority to regulate cafés under Chapter 15.16, Title 15 of the Seattle Municipal Code, and other applicable law.

## **7.6 PERMIT CONDITIONS**

7.6.1 We may condition the café Street Use café permit to address:

7.6.1.1 Design standards and placement of associated elements;

7.6.1.2 Hours and dates of café operation and public place occupation

7.6.1.3 Maintenance expectations based on the proposed café use;

7.6.1.4 Impacts associated with café activity from lighting, noise, or the placement of signage, furniture, or equipment;

7.6.1.5 Posting a surety bond in accordance with SMC 15.04.044, particularly when the café design requires structural elements;

7.6.1.6 Need for repairs or improvements to the public place to accommodate the café or establish ADA-compliant access around the café;

7.6.1.7 Pedestrian passage, traffic management, and any public-use purpose;

7.6.1.8 Using heating elements within the permitted café area if they are of a type permitted by the Seattle Fire Marshal; and

7.6.1.9 Using strings of lights, electrical cords, or other utility installations to meet the requirements of Section 6.7.

## **7.7 REQUESTS FOR REVIEW AND RECONSIDERATION**

7.7.1 A request for review or reconsideration of a 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)

# CAFÉ PERMITS

## 8.1 PERMIT ADMINISTRATION

8.

8.1.1 All Street Use permits are of a temporary nature, vest no permanent rights, and are revocable. (SMC 15.04.070)

8.1.2 If an approved café is not built within 6 months of permit issuance, SDOT may close the permit. (SMC 15.04.070)

8.1.3 The Director may modify the conditions of an existing Street Use café permit if determined necessary for safety, traffic management, and any other public-use purpose, after providing the permittee with written notice 10 days before modifying the Street Use café permit. (SMC 15.04.070)

8.1.4 In cases of change of ownership, we may approve a permit transfer if no physical changes to café footprint and fencing are proposed and the permit transfer application is received before the permit expiration.

8.1.4.1 Cafés shall remain under permit at all times during the permit transfer process.

8.1.4.2 If a permit transfer does not comply with applicable codes and rules, we may revoke the permit or initiate enforcement as authorized by Title 15 of the Seattle Municipal Code.

## 8.2 PERMIT RENEWAL

8.2.1 A Street Use café permit may be renewed provided:

8.2.1.1 The café permit renewal fees are paid;

8.2.1.2 The permittee and café follow all permit conditions;

8.2.1.3 The business ownership has remained the same or a permit transfer has been approved by SDOT (as described in Section 8.1.4); and

8.2.1.4 The space is not needed for transportation, utility, or any other public-use purpose. (SMC 15.16.012.B)

## 8.3 PERMIT EXPIRATION

8.3.1 A Street Use café permit expires if: the business changes ownership, unless a permit transfer is approved by SDOT; the Street Use permit duration expires; or Street Use permit fees are not paid as required by subsection 15.04.074.D. (SMC 15.16.012.A)

8.3.2 The permittee shall remove all permit-related encroachments from the public place by the Street Use permit expiration date. (SMC 15.16.012.A)

8.3.2.1 When bolted structures, fencing, or platforms are removed, the permittee is responsible for restoring the sidewalk and pavement in-kind and as directed by SDOT.

8.3.2.2 In some cases, a Street Use permit may be required for café removal and restoring the public place.

## **8.4 PERMITTEE RESPONSIBILITIES FOR CAFÉ OPERATION**

### 8.4.1 Allowable Use of Permitted Area

8.4.1.1 Cafés may operate only during the food service business' general business hours. Cafes must close by 11 p.m., unless an earlier or later time has been approved by SDOT.

8.4.1.2 Tables and chairs may remain in the café outside of business hours, unless otherwise specified in permit conditions. The City is not responsible for vandalism, theft, or misuse. It is the permittee's sole risk to leave personal property in the public place.

8.4.1.3 The café area may not be used for any use other than food and beverage service associated with the adjoining business, unless otherwise authorized by SDOT.

8.4.1.4 Only materials and supplies used by the permittee for the daily operation of the café may be located within the café. The permittee shall not store other supplies or other materials in the café or public place, unless otherwise authorized by SDOT.

8.4.1.5 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. A café shall not be secured to any public asset unless authorized by a Street Use permit.

8.4.1.6 Advertising, logos, or promotional material in any form is prohibited on or in the café, including on fencing, diverters, umbrellas, or furniture. An exception can be made for small on-premise business signage if consistent with sign regulations (Seattle Municipal Code Title 23) and is subject to approval by SDOT.

8.4.1.7 To maintain clear sight lines for traffic, a curbspace café located within 30 feet of an approach to an intersection shall not place or install vertical elements that extend higher than what was approved in the permit.

8.4.1.8 Free-standing umbrellas may be allowed within the footprint of a fenced permitted café if:

- They align with the placement standards relative to intersections established in Section 6.5.6.
- When umbrellas overhang the pedestrian clear zone, there is at least 8 feet of vertical clearance above the sidewalk grade; and

- For curbspace cafés, all parts of umbrella are setback 18 inches from the vehicle travel lane. For furniture zone cafés, all parts of umbrella are set back 18 inches from the curb face unless abutting a curbspace café.

#### 8.4.2 Permittee Operational Responsibilities

8.4.2.1 The permittee shall operate the café throughout the year or throughout the permitted duration.

- The café may be closed when cold or other inclement weather prevents its use.
- During a permit transfer process as described in Section 8.1.4, a café may be temporarily closed. However, if the café is not in use for four or more months, we may require that all café elements be removed and terminate the existing café permit.
- For cafés on the sidewalk, we encourage permittees to remove furniture, fencing, and other café elements from the public place during off-hours, when the weather prevents its use, or during a permit transfer process in order to open the sidewalk for pedestrian use. In some cases, this will be required as a permit condition.

8.4.2.2 The permittee shall keep the permit on site and have it available to view upon request. The permittee shall install any required SDOT signage as directed.

8.4.2.3 The permittee shall not operate the café in a way that:

- Violates the Americans with Disabilities Act;
- Restricts or interferes with access to abutting properties or utilities;
- Creates a nuisance or hazard to public health, safety, or welfare; or
- Creates an obstruction for fire, police, or sanitation vehicles.

8.4.2.4 The permittee is responsible for ensuring that the café activity does not impede pedestrian mobility, including reducing vertical clearances in the pedestrian clear zone below 8 feet or diverting the pedestrian clear zone or pedestrian straight path. Umbrella bases, portable signs, planters, or any other encroachment are prohibited in the pedestrian clear zone or pedestrian straight path.

8.4.2.5 The number of tables and chairs placed within an outdoor café must allow unobstructed access and circulation for customers and staff within the space and ensure the café activity can occur fully within the permitted footprint, unless otherwise approved by SDOT for a fence free café.

8.4.2.6 Cafe furniture and fittings must be durable, graffiti-resistant, easy to clean and maintain, and designed for commercial use in an urban environment with prolonged exposure to the seasons

8.4.2.7 The café shall comply with all applicable laws established by the Washington State Liquor and Cannabis Board. (SMC 15.16.080)

8.4.2.8 Installing and using speakers and other amplified sound is prohibited unless authorized by Street Use permit. (SMC 15.16.080)

8.4.2.9 The permittee may use electric heating elements within the permitted café area if they are of a type permitted by SDCI. For spaces without fencing, heaters must be located so that pedestrians cannot make accidental contact.

8.4.2.10 The permittee may use propane/Liquefied Petroleum Gas (LPG) heating elements within the permitted café area as long as they meet the Seattle Fire Code and have an SFD permit when required. Heaters should only be used when necessary and when requested by customers to limit energy waste. For spaces without fencing, heaters must be located so that pedestrians cannot make accidental contact.

8.4.2.11 Natural gas heat, including flame tables, are prohibited in curbspace cafes, but may be allowed in sidewalk cafes with SDCI and SDOT utility permits.

8.4.2.12 Any cords associated with lighting or heating elements must be plugged into a weatherproof outlet that meets the requirements of SDCI. Cords must allow for at least 10 feet of vertical clearance above the standing surface grade. Temporary cafes may place cords at-grade with an ADA-compliant ramp. In general, extension cords are not allowed by SFD and SDCI.

8.4.2.13 Curbspace cafés are required to provide public access to the café area when not in operation by the permittee. No ropes, chains, fencing, or other barriers may be used to prevent people from entering the space.

8.4.2.14 Temporary weather protection equipment, such as pop-up tents, canopies, and umbrellas, shall be installed and used in accordance with manufacturer's specifications. The minimum weight for canopies is 40 pounds per leg unless a greater weight is recommended by the manufacturer. Weights should be strapped to the bottom of each ground support leg and tethered as recommended by the manufacturer. Equipment not able to withstand adverse weather conditions shall be removed for severe weather events where the equipment manufacturer's specifications recommend removal. It is the permittee's responsibility to monitor weather conditions, and manage equipment 24 hours a day, 7 days a week, including during non-business hours.

8.4.2.15 Access to utilities shall be granted upon request by the City or private utility companies.

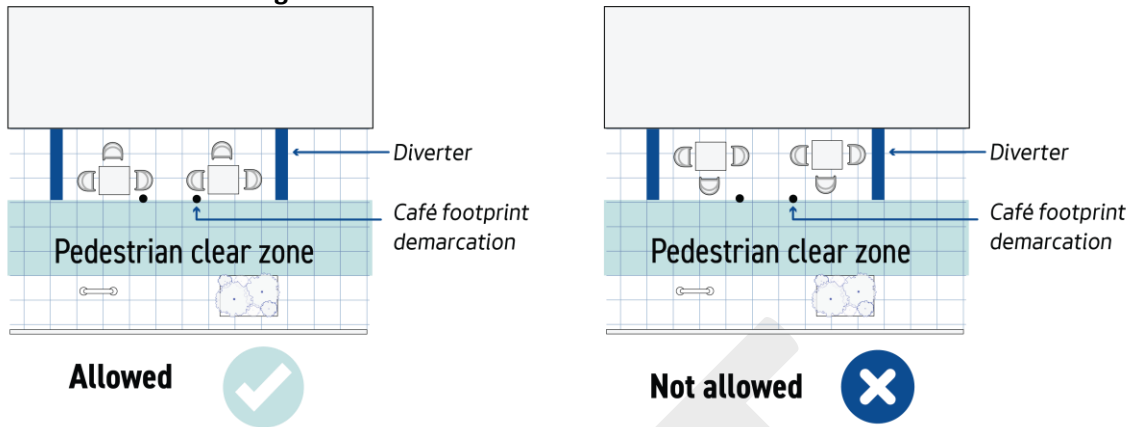
8.4.2.16 Cafes may need to be removed either temporarily or permanently for a variety of reasons, including for City or private construction or utility work, City-approved events, or due to transportation projects. All costs associated with removal of the café are borne by the permittee. The permittee shall remove the café and clear the public place when:

- The Director of Transportation deems it necessary for transportation mobility or public safety purposes or to temporarily accommodate access to utilities or abutting properties;
- Ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official;
- In the case of a major public event or permitted activity, such as a parade authorized by Chapter 11.25 SMC or special event authorized by Chapter 15.52 SMC. SDOT or the City shall make this request at least 24 hours before the required removal time; or
- In an emergency, the City may immediately clear the café to preserve public health and safety. If this should occur, the City shall not be responsible for any loss or damages.

8.4.2.17 Permittees operating a fence-free café shall adhere to the following furnishing requirements:

- Permittees are responsible for keeping all furniture and patron use within the permitted footprint;
- Café furnishings shall provide a reasonable level of color contrast with the sidewalk and the adjacent building to increase visibility of furniture on the sidewalk and to minimize tripping hazards; and
- Fence-free seating shall be oriented toward the sidewalk or the café interior to limit the amount of spillover into the pedestrian clear zone. Seating shall not be placed to have a moveable chair with a back to the pedestrian clear zone, as shown in Figure 11.

**Figure 11. Furniture Placement for Fence-Free Cafés**



#### 8.4.3 Permittee Maintenance of Café and Public Place

8.4.3.1 The permittee shall maintain the café and adjoining and abutting public place free of all refuse of any kind. Refuse must be disposed of in permittee's waste containers and must not be swept into stormwater drains.

8.4.3.2 The permittee shall maintain approved platforms, tents and canopies, structures, umbrellas, furniture, or other equipment associated with the café in the public place in a physically sound, clean, and orderly condition and as approved by the conditions on the permit.

8.4.3.3 The permittee shall keep the area under the platform or structure free of debris. The permittee must ensure the drainage channel stays open.

8.4.3.4 The permittee shall maintain any landscaping elements associated with the café in a healthy and pruned condition. Landscaping elements should not inhibit patrons' ability to see out of the café nor the public's ability to see into the café. Refuse should be regularly removed from planter boxes to prolong plant life.

8.4.3.5 The permittee shall maintain all lighting and heating elements in fully-operational condition and shall maintain and replace all portable gas heaters as necessary. Damaged or faulty gas or electric heaters shall not be used.