

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Sidewalk Café Permits

Revised January 27, 2011

Overview



Example of an attractive sidewalk cafe with required pedestrian clearances

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

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

Tables and Chairs Permits

A Tables and Chairs Permit allows the adjacent business to set out tables and chairs on the sidewalk immediately adjacent to the business. While available to their patrons, these tables and chairs are open for use by the general

public, table service may not be provided, and alcohol cannot be consumed. Tables and chairs must be removed daily and no fixed improvements (i.e. a railing or other obstruction) may be installed.

The Tables and Chairs permit fee is \$146.00 for the first year and renews annually at \$140.00. The permit allows for a maximum of four tables with two chairs each, depending on site characteristics. Freestanding umbrellas are not included in this permit.

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

- Annual Permit Application
- \$172.00 field review fee
- Site plan showing dimensions of encroachment and available pedestrian clearance. See Section VI. B. Sidewalk Cafe Standards
- Insurance documentation. See Client Assistance Memo (CAM) 2102 *Certificate of Liability Insurance*, for specific requirements.

Sidewalk Café Permits

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

Applications for a Street Use Permit for a sidewalk cafe may be submitted either by the property owner or the operator of a food service establishment as defined by the Seattle Municipal Code (SMC) 10.10.004 (O). New platforms or structures in the right-of-way are generally discouraged, though they are permitted where topography is a significant issue. Applications that involve platforms will

require an additional SDOT permit for a structure in the right-of-way.

SDOT charges a one-time fee of \$516.00 to review a sidewalk café application, and collects an annual permit fee of \$146.00 plus \$1.56 per square foot of sidewalk area used by the sidewalk café on public property. If approved, your permit will include terms and conditions that must be met as part of the regular operation of the sidewalk café. If permit conditions are maintained and the business has not changed ownership, SDOT will renew the permit annually by invoice. All Street Use permits are wholly of a temporary nature and can be revoked by SDOT, per SMC 15.04.070.

I. SIDEWALK CAFÉ APPLICATION PROCESS

1. Review the Sidewalk Café Standards.

Layout a site plan for your proposed sidewalk cafe. The standards described in [SDOT Director's Rule 1-2009](#), described below, must be met in order for the application to be approved.

2. Collect the required documentation.

The following are required to apply for a sidewalk café permit:

- A certificate of liability insurance (see II below), and
- *If located in a Landmark District or Historic District*, a certificate of approval from the appropriate Board or Commission subject to Title 25 of the Seattle Municipal Code. To determine if your business is located in one of these Districts, maps and contact information are available at: http://www.seattle.gov/neighborhoods/preservation/historic_districts.htm

3. Visit SDOT.

An informational pre-application visit to the SDOT Annual Permits Office is advised to review your layout and determine if sidewalk width, zoning, and existing obstructions will allow for a sidewalk café. The Annual Permits Office is located on the 23rd floor of Seattle Municipal Tower at 700 Fifth Avenue and can be reached by phone at (206) 684-5267 during normal business hours. We recommend calling

ahead to schedule time with a permit specialist.

4. Submit Complete Application.

A complete sidewalk cafe application includes:

- Permit Application
- Letter of Authorization
- Site plan
- Fencing and Attachment detail
- Proof of insurance
- \$516.00 field review fee
- Certificate of Approval (if in Historic District).

This information can be submitted in person to the Street Use Permit Counter on the 23rd floor of Seattle Municipal Tower at 700 Fifth Ave, or can be mailed to:

SDOT, Attn: Annual Permit Office
P.O. Box 34996
Seattle, WA 98124-4996

5. Post Notice at the proposed location.

Once your complete application has been submitted, you must post the notice form provided by SDOT. Notice must be visible to passers-by at the business and remain up for the two week public comment period before you receive a decision from SDOT. The notice will also be published in DPD's Land Use Information Bulletin (LUIB), available online at:

www.seattle.gov/dpd/Notices/Land Use Information Bulletin.

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

6. Application Review and Site Visit.

SDOT will review the application and may contact you to request more information or corrections. SDOT will visit the site to ensure the layout meets standards and verify that notice has been posted. SDOT may require the applicant to repair portions of the sidewalk if damage is present.

7. **Permit Decision.** After the public notice period and staff review are complete, SDOT will approve, approve with modifications, or deny the application. The SDOT decision is made after the two week public comment period has ended. When a decision is made, the applicant will be contacted and instructed on permit fees due prior to issuance. The SDOT decision will be posted for 10 days on the DPD's LUIB. The applicant will need to pay the permit fees and sign the permit at the Street Use Permit Counter to obtain their sidewalk café permit. The sidewalk café cannot be installed until all applicable fees have been collected and an approved Street Use Permit has been issued. The sidewalk café permit must be stored on site and available to view when requested.

8. Request for Review or

Reconsideration. A request for review or reconsideration of an SDOT sidewalk café permit decision may be made to the SDOT Director by submitting a written request within 10 days of the permit decision posting (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's decision on review or reconsideration will be final.

II. PROOF OF INSURANCE

The applicant must provide proof of at least \$1 million dollars in liability insurance while the permit is in effect, including potential claims for bodily injury, death, or disability and property damage which may arise from or be related to the use of sidewalk area for sidewalk café purposes. The insurance must name the City of Seattle as an additional insured. Be sure the insurance documents include specific endorsements such as CG 20 12 or CG 20 26.

Please review [SDOT CAM 2102, Certificate of Liability Insurance](#), for specific requirements.

III. FEES

The one-time application review fee of \$516.00 is due at the time the application is submitted. Payment may be made in cash, check or credit

card (VISA or MC). Platforms require a separate permit for a structure in the right-of-way, which has an additional application and review fee.

Annual permit fees are due once an application has been approved and must be paid in full for one year before a Street Use Permit will be issued. The Annual Use Fee covers a one-year period only and are not pro-rated based on monthly or seasonal use. The current 2011 permit fee is \$146.00 plus \$1.56 per square foot of sidewalk area used by the sidewalk café on public property. SDOT will send an invoice to renew the sidewalk café permit annually if permit is in good standing.

IV. PERMIT REVOCATION / EXPIRATION

All Street Use permits, including Sidewalk café permits, are wholly of a temporary nature and can be revoked by SDOT given a 30-day notice, per SMC 15.04.070. Operators of sidewalk cafés must comply with the terms and conditions of the Street Use Permit, and must maintain the sidewalk in a clean and safe condition for pedestrian use. In the event that a sidewalk cafe does not meet the terms and conditions of the permit, SDOT may issue a Notice of Violation or citation to the applicant.

In the event of a major public event, such as a parade, the business shall remove the sidewalk café if asked to do so by SDOT or other City authorities with at least 24 hours notice. In the event of an emergency, the City may immediately clear the sidewalk café to preserve public health and safety and shall not be responsible for damages.

If the Street Use Permit is not renewed annually with payment, does not conform to the original terms and conditions, or a business changes hands, a new permit is required.

V. FREQUENTLY ASKED QUESTIONS

- *What if I already have a sidewalk café permit?* Existing permitted sidewalk cafés may continue as permitted and will continue to renew annually unless SDOT determines that a particular permit does not meet the conditions of their original permit, or if current site conditions require updating the permit conditions.
- *How do I report an issue with noise or a café that is encroaching too far into the sidewalk?* The City has a noise

abatement team. More information and contacts can be found at www.seattle.gov/dpd/Enforcement/Noise/Abatement/Overview/. Noise related issues should be directed to the Seattle Police Department's non-emergency number at (206) 625-5011. Problems with encroaching into the sidewalk will be handled by SDOT - they can be reached at 206-684-5283 from 8AM to 5PM during the work week. SDOT has the right to require immediate changes if a sidewalk café has encroached beyond its permitted area, and may revoke an approved sidewalk café permit if there is an ongoing problem.

- *Will sidewalk cafes be required to provide ADA access?* [SDOT Director's Rule 1-2009](#), requires new sidewalk cafes to retain an ADA-compliant path-of-travel for pedestrians on the sidewalk, to provide a detectable barrier between the sidewalk café and the path of travel, and to provide wheelchair access to seating platforms. SDOT will continue to require existing sidewalk cafes to maintain an ADA-compliant path-of-travel for pedestrians around the sidewalk cafe.
- *What about sidewalk cafés on private property?* Outdoor seating areas on private property would continue to require DPD review and approval, except where any portions are proposed in the public right-of-way.
- *Will increased seating require a new occupancy permit?* Sidewalk cafés generally do not count against the approved occupant load provided the café area has an independent exit to the public area or is no larger than 75 square feet.

VI. SIDEWALK CAFE STANDARDS

For more detailed information, please see [Director's Rule 1-2009](#) at the end of this Client Assistance Memo.

A. Compliance With ADA

The sidewalk café must be accessible and detectable per American with Disabilities Act (ADA) guidelines.

B. Clear Path of Pedestrian Travel

A minimum of 6 feet of clear path of travel is required on all sidewalks located within the Downtown Urban Center. A minimum of 5 feet of clear path of travel is required on all other sidewalks. The clear path of travel is measured from the outside edge of the sidewalk café fencing or fence post base to the nearest obstruction (i.e., tree pit, parking meter, bike rack, planting strip, etc.). If no obstruction exists, the clear path of travel is measured to the back of the curb. Sidewalk cafés may not encroach into tree pits. A-frame, portable signs or any other encroachment is not allowed in the pedestrian clear path of travel.

The pedestrian path of travel should be straight and not involve sharp or jagged turns that would impair pedestrian circulation.

A sidewalk café width should not exceed the available pedestrian clear path of travel width.

C. Setbacks

Setbacks are required from the following elements. These elements must be clearly identified on the required site plan in the permit application.

1. 5 feet from alleys and from bus, handicapped parking, and commercial loading zones.
2. 5 feet from parking meters or pay stations, traffic signs, SDOT and utility poles, fire hydrants, bike racks, and other street fixtures.
3. 3 feet from the front of the curb whenever sidewalk café is located adjacent to curb. See section IV (J) for requirements for approving a sidewalk cafe to be located adjacent to the curb.
4. 5 feet from curb ramps, or the beginning of the corner curb radius where curb ramps do not exist.

D. Building Exits

A clear path of travel must be maintained from any building exit, equal in width to the exit door. This path of travel must be free of obstructions, including gates of any type, and connect the building exit to the sidewalk.

E. Exiting Requirements

Sidewalk cafés will not require a change to the occupancy permit for the

associated business, provided the following standards are met:

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.
2. If the total area of a sidewalk café is 75 square feet or more and the only legal exit path is through the establishment, a DPD review is required. If DPD determines that interior alterations are needed to provide sufficient exiting, then a building permit application for the alterations permit will be required.
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.

F. Fencing

Fencing is required to delineate the sidewalk café from the pedestrian path of travel. The following design standards apply to fencing:

1. Fencing must be between 30 and 42 inches in height.
2. Fencing must be detectable by cane to warn visually impaired persons of potential hazards in the path of travel. Fencing must include one or more of the following detectable elements:
 - a. A toe rail with its top edge at 6 inches minimum in height and its bottom edge no higher than 1-1/2 inches above the adjacent surface;
 - b. Fencing, landscaping, or other elements detectable by cane spaced no more than 27 inches vertically and no more than 24 inches horizontally; or
 - c. Elements sufficiently detectable by cane to warn visually impaired persons of potential hazards in the path of travel.
3. Fence posts may be attached to the sidewalk with bolts or utilize free-standing bases. When bolted fencing is removed, the bolts must be removed from the sidewalk, the holes must be filled, and the sidewalk must be restored to original or better condition.

4. Fencing must be generally transparent.
5. Fencing should be constructed with a railing, rope or other horizontal element; posts with pointed tops are not permitted.
6. Fencing must be constructed of high-quality finish materials (such as steel, glass or finish woods). Plastic and/or raw or pressure-treated lumber is not allowed.
7. Fencing shall not contain electrical or other utility elements.
8. 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.
9. All seating and tables must be movable to accommodate wheelchair access

G. Seating Platforms

Seating platforms and other structures are discouraged from the public place and a separate Street Use permit must be applied for any time additional items beyond the sidewalk café fencing, including seating platforms, are proposed to be installed in the public place. Additional permitting and review will be required by SDOT for all proposed seating platforms and additionally from DPD if the seating platform surface is 18 inches or more in height above existing grade at any point. Only sites that require leveling due to site topography will be considered by SDOT for approval for an additional Street Use seating platform permit.

I. Heating Elements and Overhead Weather Protection

Heating elements and free-standing umbrellas are allowed within the footprint of the permitted café, but may not encroach on the clear path of travel required in subsection IV.B of this Rule, except that when opened, an umbrella may encroach on the clear path of travel if the opened portion is more than 8 feet above sidewalk grade and if no part of the umbrella is within 25 feet of a stop sign. Heating elements must be of a type permitted by the Seattle Fire Marshall and must be temporary in nature and easily removable

J. Sidewalk Café Adjacent to Curb

Sidewalk café seating is allowed adjacent to the curb only if:

1. On-street parking is present,
2. The clear path of travel requirements described in Section IV.A. are met, and
3. The setback requirements described in Section IV.B and C are met

K. Amplified Sound

Installation and use of speakers and other amplified sound equipment is not allowed.

L. Liquor Control

Sidewalk café must be in compliance with all Washington State Liquor Control Board (WSLCB) laws, subject to WSLCB enforcement

M. Hours of Operation

Sidewalk cafés may operate during the food-service establishment's general business hours.

N. Prohibited Uses

The sidewalk café 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.

VII. ADDITIONAL REFERENCE MATERIAL

The following pages have examples of:

- Sidewalk Café Permit Application
- Sidewalk Café Letter of Authorization
- Figure 1: Required Clear Path of Travel and Setback from Obstructions for Sidewalk Cafes
- Figure 2: Downtown Urban Center



Seattle Department of Transportation | Street Use Division
 700 Fifth Avenue, Suite 2300 | PO Box 34996
 Seattle, Washington 98124-4996
 (206) 684-5253 | SDOTPermits@Seattle.gov

Permit Number

(Official Use)

STREET USE NON-CONSTRUCTION PERMIT APPLICATION (SMC 15.04)

PROJECT SUMMARY

PROJECT ADDRESS: _____

CLASSIFICATION: ARTERIAL NON-ARTERIAL UNDERWATER STREET

RELATED SDOT or DPD PERMIT NUMBER: _____ PERMIT NO. IF STARTED ONLINE: *(NA if none, do not leave blank)* _____

PERMITTEE *(check one)*: Owner Authorized Agent

NOTE: The Permittee is responsible for deposits, billings and payments and all other Terms of this application (see Terms on the back of this form)

CONTACT INFORMATION

Owner *(Individual or Company)*

Authorized Agent *(If other than Owner)*

Address

Address

City, State Zip Code

City, State Zip Code

Phone

Phone

Fax

Fax

Email

Email

SDOT Customer ID

SDOT Customer ID

Contact Name *(if different than above)*

Contact Name *(if different than above)*

24 Hour/Job Site Phone

DESCRIPTION OF USE (check all that apply)

START DATE OF USE : _____

ANNUAL USE (indicate Sq Ft)

SQ FT ANNUAL USE

- | | | | |
|---|-------|---|--|
| <input type="checkbox"/> Material Storage, Ongoing (12, 12A) | _____ | <input type="checkbox"/> Clocks/Signs/Flags/Graphics (2, 2A, 2B,5, 6) | <input type="checkbox"/> Swing staging (48) |
| <input type="checkbox"/> Merchandise on Sidewalks (18A) | _____ | <input type="checkbox"/> Fence, Rockery, Wall (29A) | <input type="checkbox"/> Tables & Chairs |
| <input type="checkbox"/> Shoreline Street Ends (11) | _____ | <input type="checkbox"/> Non-Public utilities (21A) | <input type="checkbox"/> Vending Carts |
| <input type="checkbox"/> Sidewalk Cafes (18) | _____ | <input type="checkbox"/> Pole Banner, Identification (52B) | <input type="checkbox"/> Ventilation ducts (8) |
| <input type="checkbox"/> State Waterways, Moorage (WW 200) | _____ | <input type="checkbox"/> Stanchions (27A) | <input type="checkbox"/> Other |
| <input type="checkbox"/> State Waterways, Structures, Overhangs (WW 100) | _____ | <input type="checkbox"/> Street Barricading (3) | |
| <input type="checkbox"/> Structures & Overhangs (7) | _____ | <input type="checkbox"/> Street Decorations, Planters, Benches (52) | |
| <input type="checkbox"/> Structures & Overhangs,
over Underwater street (7A, 7B) | _____ | | |

TEMPORARY / SHORT TERM USE

DATE FROM: _____ TO: _____

- | | | |
|--|---|--|
| <input type="checkbox"/> First Amendment Vending (14C) | <input type="checkbox"/> State Waterways, Non-Profit (WW 150) | <input type="checkbox"/> Street Barricading, Special Activities (3A) |
| <input type="checkbox"/> Pole Banner, Events (52A) | <input type="checkbox"/> State Waterways, Moorage (WW 250) | <input type="checkbox"/> Street Decorations (52D) |
| <input type="checkbox"/> Stadium Vending (14D, 14E) | | |

LEGAL DISCLAIMER: This Client Assistance Memo (CAM) should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this CAM.

Last Revised 1/27/2011

DESCRIPTION OF USE (continued)

DETAILED DESCRIPTION (Please provide a detailed description of the proposed use in the space below)

IMPACTED INFRASTRUCTURE (Check all that apply)

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Alley | <input type="checkbox"/> Asphalt Street | <input type="checkbox"/> Concrete Street | <input type="checkbox"/> Curb and Gutter |
| <input type="checkbox"/> Curb Ramp | <input type="checkbox"/> Paved Shoulder | <input type="checkbox"/> Planting Strip | <input type="checkbox"/> Sidewalk |
| <input type="checkbox"/> Traffic Circle | <input type="checkbox"/> Trees | <input type="checkbox"/> Unimproved ROW | <input type="checkbox"/> Unpaved Shoulder |
| <input type="checkbox"/> Utility Structures/Poles | <input type="checkbox"/> No Impact | <input type="checkbox"/> Other ROW _____ | |
| | | <input type="checkbox"/> Other ROW _____ | |

MOBILITY IMPACT (Check all that apply) **If there is a mobility impact an additional construction permit may be required**

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Alley Closed | <input type="checkbox"/> Alley Partially Blocked | <input type="checkbox"/> Bike Lane Closed | <input type="checkbox"/> Bike Lane Partially Blocked |
| <input type="checkbox"/> Multi-Travel Lanes Closed | <input type="checkbox"/> Parking Lane Closed | <input type="checkbox"/> Sidewalk Closed | <input type="checkbox"/> Sidewalk Partially Blocked |
| <input type="checkbox"/> Street Closed | <input type="checkbox"/> Travel Lane Closed | <input type="checkbox"/> No Impact | |

TERMS

Indemnification

The Permittee agrees to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents against: (1) any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the Permittee, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the Permittee's use or occupancy of the public right-of-way; and (2) all loss by the failure of the Permittee to fully or adequately perform, in any respect, all authorizations or obligations under the Permit.

Acceptance of terms, conditions, and requirements

Permittee shall accept the terms, conditions, and requirements of the permit and agree to comply with them to the satisfaction of the Seattle Department of Transportation, Street Use Division. Permittee further agrees to comply with all applicable city ordinances, including but not limited to Title 15 SMC, and all applicable requirements of state and federal law. Work shall begin within six months from the date of approval unless other arrangements are made, otherwise the application shall be void.

Applicant or Authorized Agent Statement

I declare under penalty of perjury under the laws of the State of Washington that: I am the Applicant AND the Owner OR the authorized agent of the owner; that the information provided herein is correct and complete; and that I have the authority to bind the owner to this application.

Deposits, Charges, and Future Billings

The Permittee is responsible for all permit charges. If a deposit was made for estimated future Street Use services, any unused portion of the deposit will be refunded to the permittee. Any charges in excess of the deposit will be billed to the Permittee.

APPLICANT SIGNATURE: _____ DATE: _____

(Official Use)

REQUIRED AT APPLICATION

REQUIRED PRIOR TO ISSUANCE

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Banner or Sign Detail | <input type="checkbox"/> Construction Permit | <input type="checkbox"/> Historic District Approval | <input type="checkbox"/> PAAC Approval |
| <input type="checkbox"/> Pole Location Map | <input type="checkbox"/> BIA Approval | <input type="checkbox"/> Holiday Moratorium Waiver | <input type="checkbox"/> Proof of Insurance |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Bond | <input type="checkbox"/> Indemnity Agreement | <input type="checkbox"/> SEPA Review |
| <input type="checkbox"/> Traffic Control Plan | <input type="checkbox"/> Design Commission Approval | <input type="checkbox"/> Noise Exemption | <input type="checkbox"/> Other Dept Approval |
| <input type="checkbox"/> Deposit: \$ _____ | | | |

COMMENTS: _____

APPLICATION ACCEPTED BY: _____ DATE: _____

APPLICATION APPROVED BY: _____ DATE: _____



Seattle Department of Transportation | Street Use Division
 700 Fifth Avenue, Suite 2300
 PO Box 34996
 Seattle, Washington 98124-4996
 (206) 684-3679 | ANNUALPERMITS@Seattle.gov

SIDEWALK CAFÉ
LETTER OF AUTHORIZATION

Permit Number

(Official Use)

DATE STAMP
 HERE

OWNER / AGENT INFORMATION:

Owner (Business or Property)

Authorized Agent

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone

Phone

Fax

Fax

Email

Email

Contact Name (if different than above)

Contact Name (if different than above)

To whom it may concern:

As owner(s), I / we authorize _____
 Authorized Agent Name

to act as Permittee for the SDOT Sidewalk Cafe Permit for the property located at:

Project Address

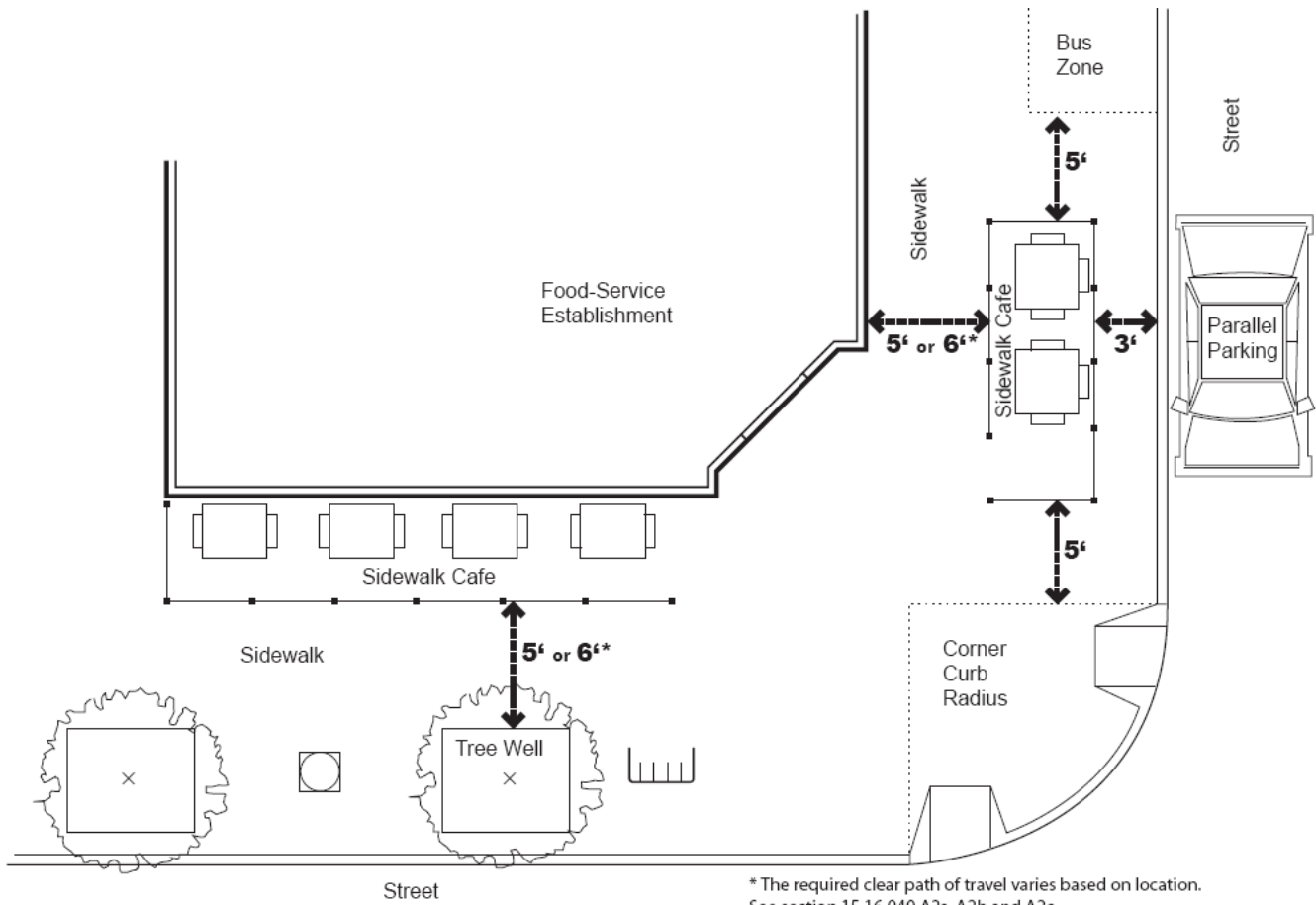
As owner, I verify the sidewalk café will only be operated by a food-service establishment (SMC 10.10.0040)

OWNER'S SIGNATURE: _____

OWNER'S PRINTED NAME: _____

DATE: _____

Figure 1: Required Clear Path of Travel and Setback from Obstructions for Sidewalk Cafes



* The required clear path of travel varies based on location. See section 15.16.040 A2a, A2b and A2c.

