

SEATTLE DEPARTMENT OF TRANSPORTATION

DIRECTOR'S RULE XX-2019



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1. REFERENCES

- 1.1 Seattle Municipal Code (SMC) Title 15 (Street and Sidewalk Use), Section 11.14.135, subsection 11.14.265.A, Section 23.30.010, and Chapter 23.32 (Land Use Code)
- 1.2 Right-of-Way Improvements Manual (also known as Streets Illustrated), Seattle Department of Transportation Director's Rule 04-2017
- 1.3 Seattle Building Code (SBC) Chapters 11 and 16.
- 1.4 International Code Council A117.1-2009

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2. BACKGROUND AND PURPOSE

- 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. SDOT is 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 in commercial districts, and provide additional “eyes on the street” to make public places more social, active, and safe.
- 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 café Street Use permits, including design standards. When the rule is citing existing sections of the SMC, the code language is referenced by a citation to the SMC after the heading or section of the rule that is citing the code.

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, as well as these specific policy objectives identified in the plan:

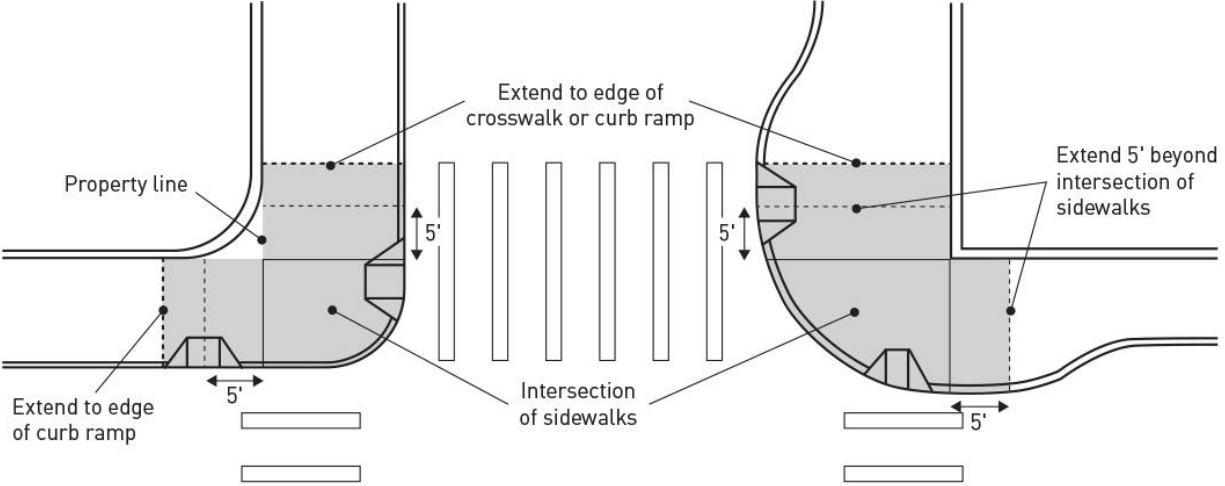
- Transportation policy 5.10: Build great streetscapes and activate public spaces in the right-of-way to promote economic vitality
- Transportation policy 2.15: Create vibrant public spaces in and near the right-of-way that foster social interaction, promote access to walking, bicycling, and transit 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.

3. 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 the use of 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 SDOT. 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 curb space are called "curb space cafés." (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 the farthest extent of either: 5 feet from the intersection of two sidewalks; or to the far edge of a marked crosswalk or curb ramp. (Exhibit B for 15.02.042: Corner clearance zone); (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. It 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 "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)

4. CAFÉ LOCATIONS

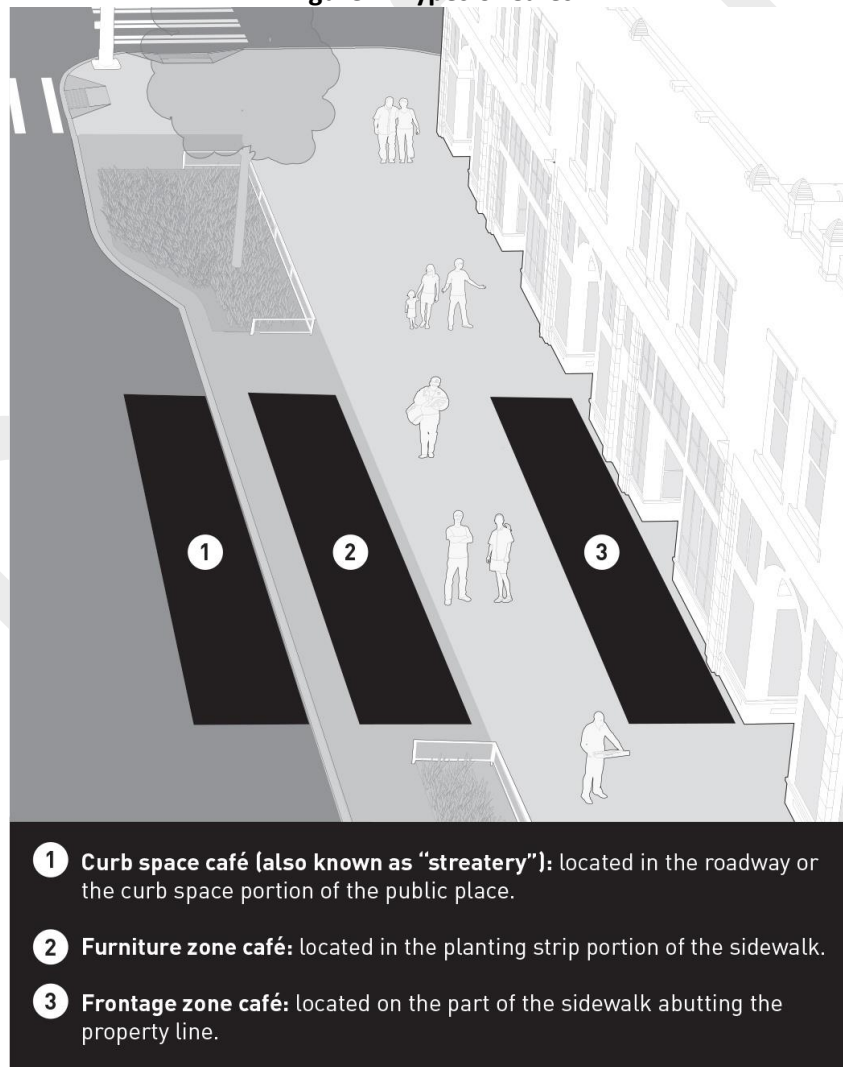
4.1 ZONING

4.1.1 Cafés shall not be located in a public place abutting a lot zoned Residential Small Lot (RSL), Single-Family (SF 5000, SF 7200, SF 9600), or Lowrise Multifamily (LR1, LR2, LR3) as defined in SMC 23.30.010, unless it has a Residential-Commercial (RC) classification as shown in the Official Land Use Map (SMC 23.32).

4.2 LOCATION IN THE PUBLIC PLACE

4.2.1 There are three common types of cafés, based on where in the public place they are located, as depicted in Figure 1.

Figure 1. Types of Cafés



4.2.2 It is indicated when specific standards and requirements apply to a specific café type in this rule. Unless otherwise indicated, standards apply across all café types.

4.2.3 Although less common than the above three types, cafés may be sited in other public place locations, such as plazas or alleys. SDOT has the authority to determine the appropriate and applicable standards from this rule to apply to those proposals.

4.3 FRONTAGE REQUIREMENTS

4.3.1 Cafés shall be located within the frontage of the permittee's food service business establishment. The frontage is measured as the width between the lateral property lines or the furthest extents of the tenant space, whichever is narrower.

4.3.2 Cafés may be allowed to extend beyond the permittee's frontage to adjacent frontages under the following conditions:

4.3.2.1 The café does not have a platform or other structure located on the sidewalk;
and

4.3.2.2 The café is at least partially located in the frontage of the permittee's establishment.

4.3.3 In reviewing and approving a request for to extend a café beyond the applicant's frontage, SDOT may consider factors such as: the potential benefit of additional activation to the streetscape and pedestrian experience; pedestrian mobility impacts; and input received from businesses, property owners, and the public during the public comment period (as outlined in Section 7.3).

5. SITING STANDARDS

While cafés are positive additions to the public place, SDOT will not approve cafés that adversely impact the traveling public or interfere with the functionality of other street fixtures. 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.

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 and objects protruding from fencing such as planters.

5.1.1.2 For curb space cafés, wheelstop 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, sign post 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

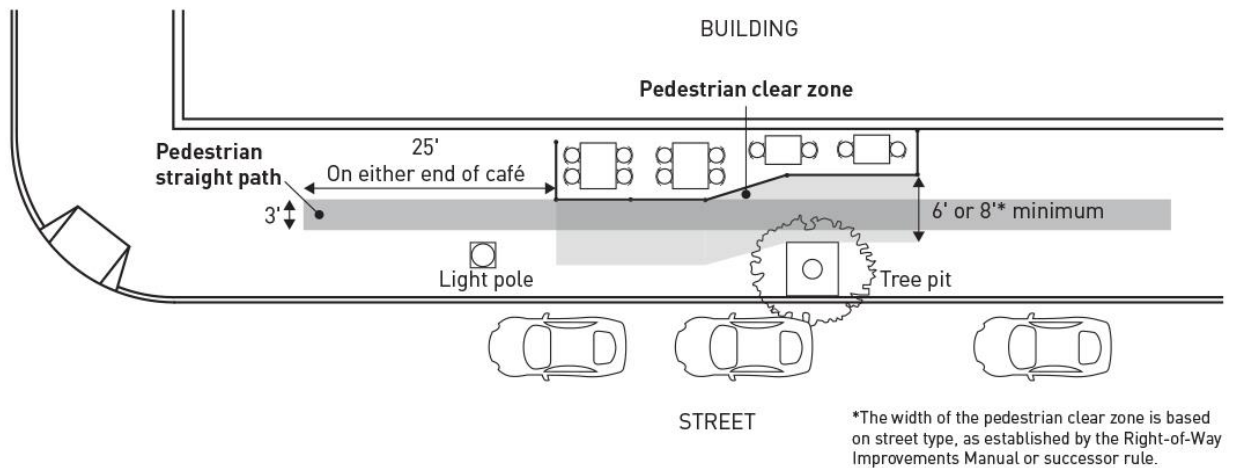
5.2.1 CORNER CLEARANCE ZONE (SMC 15.04.042)

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 definition in Section 3.2).

5.2.2 PEDESTRIAN CLEAR ZONE (SMC 15.04.046)

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 depicted Figure 2 (see definition in Section 3.8).

Figure 2. Pedestrian Clear Zone and Pedestrian Straight Path



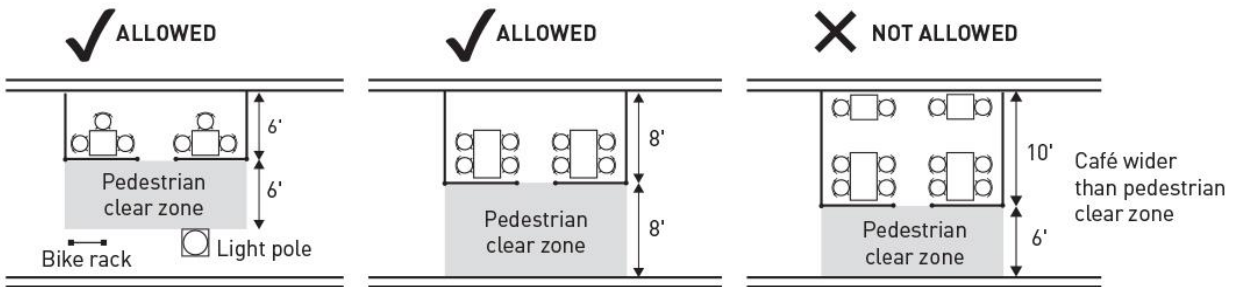
5.2.2.1 The Director may determine that the pedestrian clear zone can extend into an adjacent public place closed to vehicular travel, a public place plaza, or other public space in consultation with the official responsible for regulating or managing the space.

5.2.2.2 The minimum width of the pedestrian clear zone is determined by the street type the café is located on 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 *Downtown Streets* shall have a pedestrian clear zone at least 8-feet wide.
- Cafés located on new sidewalks built to the standards established by the 2017 Right-of-Way Improvements Manual or successor rule 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 local 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).
- Cafés located on sidewalks that can accommodate a pedestrian clear zone equal to the dimension established in the Right-of-Way Improvements Manual or successor rule for the street type where the café is located may be required to establish a pedestrian clear zone of that minimum dimension.

5.2.2.3 Upon installation, the width of the permitted footprint of the café shall not be greater than the width of the pedestrian clear zone, as illustrated in Figure 3 below.

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



5.2.2.4 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.

5.2.3 PEDESTRIAN STRAIGHT PATH (SMC 15.04.046)

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 depicted in Figure 2 (see definition in Section 3.9).

- 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 the block face. 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.
- The pedestrian straight path dictates that the pedestrian clear zone shall be generally straight and with no sharp turns that impair pedestrian mobility.

5.3 SETBACK REQUIREMENTS FOR FRONTAGE ZONE CAFÉS

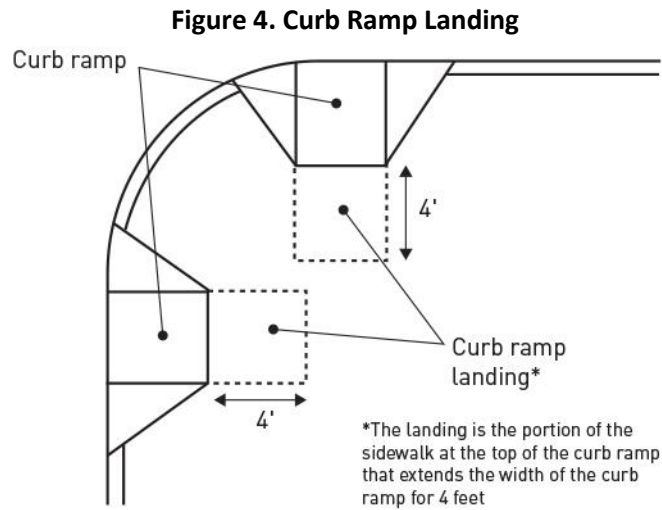
5.3.1 Cafés shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule, except cafés will not be subject to setbacks from the pedestrian clear zone;

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:

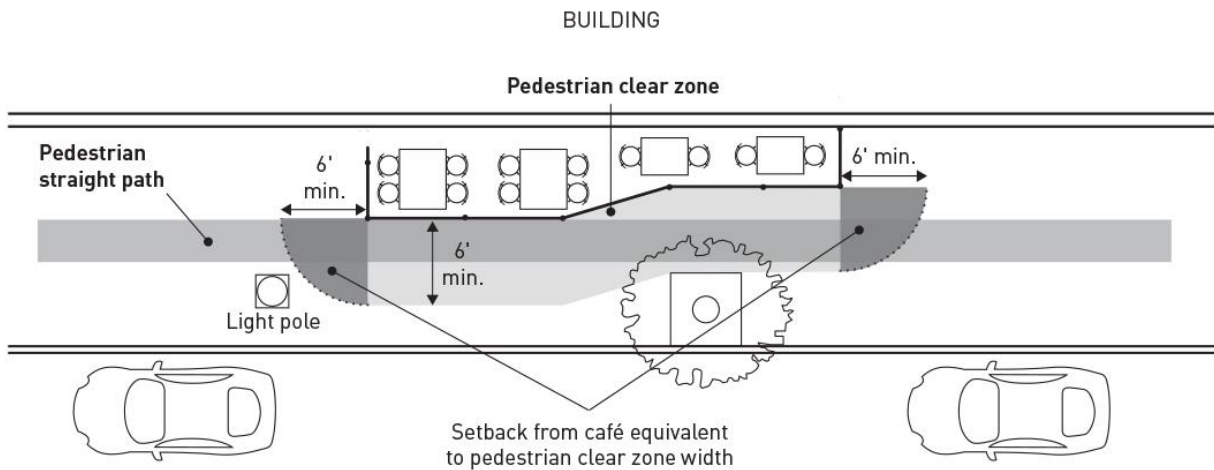
- 5.3.3.1 At least 5 feet from alleys and driveways;

5.3.3.2 At least 5 feet from any curb ramp element including the landing, as depicted in Figure 4;



5.3.3.3 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 depicted 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 cafés will not be subject to 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, transit zones, commercial vehicle loading zones, and designated food-vehicle zones;
- 5.4.3 Cafés shall be sited:
 - 5.4.3.1 At least 5 feet from alleys and driveways;
 - 5.4.3.2 At least 5 feet from any curb ramp element including the landing, as depicted in Figure 4;
 - 5.4.3.3 At least 10 feet from the corner clearance zone;
 - 5.4.3.4 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 depicted in Figure 5;
 - 5.4.3.5 To allow for a 4-foot-wide clear section for every 16 lineal feet of sidewalk length to allow for pedestrian access from the curb space to the sidewalk area if there is on-street parking. This sidewalk access standard must take into account other existing furniture zone amenities;
 - 5.4.3.6 At least 4 feet from the back of curb when the curb use is passenger loading or parking, unless there is a publicly available American with Disabilities Act-designated parking zone elsewhere on the block face;
 - 5.4.3.7 At least 4 feet from the back of curb when the curb use is disabled person parking, shuttle bus zone, and charter bus zone; and
 - 5.4.3.8 To provide an appropriate setback from the back of curb, as established by the Right-of-Way Improvements Manual or successor rule for all other locations not described in Sections 155.4.3.6 and 5.4.3.7.

5.5 SETBACK REQUIREMENTS FOR CURB SPACE CAFÉS

- 5.5.1 Cafés shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule, except cafés will not be subject to setbacks from the pedestrian clear zone.
- 5.5.2 Cafés shall not be sited:
 - 5.5.2.1 In a way that inhibits the operation, maintenance, visibility, or functionality of any utilities or street fixtures;
 - 5.5.2.2 In a transit or travel lane, bus zone, ADA-designated parking zone, or loading zone, unless the relocation of the curb space use is approved by SDOT;

5.5.3 Cafés shall be sited:

5.5.3.1 At least 5 feet from alleys and driveways;

5.5.3.2 At least 5 feet from any curb ramp element including the landing, as depicted in Figure 4;

5.5.3.3 A least 15 feet from a fire hydrant unless otherwise approved;

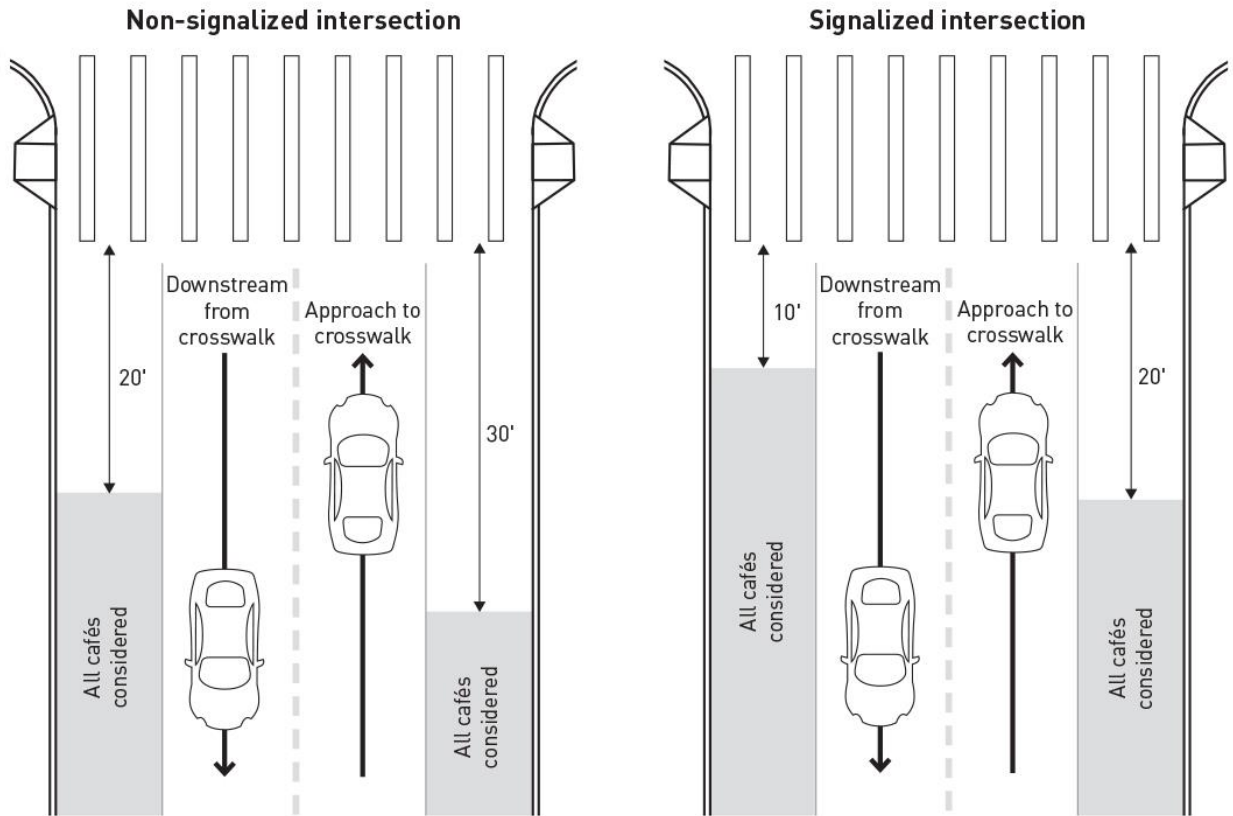
5.5.3.4 To provide adequate access to public and private utilities, access panels, valves, and other features. Restricted access to any public utility shall be approved by the relevant City department;

5.5.3.5 To maintain roadside drainage;

5.5.3.6 An appropriate distance from either a crosswalk (as defined in Section 3.4) or a curb ramp, whichever is closest to the curb space 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; and

Figure 6. Curb Space 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, such as: (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 42 inches tall, as measured from the public place surface.

5.6 APPLYING THE SITING STANDARDS

5.6.1 SDOT has authority to require more stringent siting standards than those outlined in this rule based on site-specific conditions, including, but not limited to:

- 5.6.1.1 Areas with transit-loading zones, public plazas, art installations, and access points with high volumes of pedestrians;
- 5.6.1.2 Areas with high peak-period pedestrian volumes;

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 or surfaces that do not meet ADA accessibility requirements.

5.6.2 The Traffic Engineer or Director of Transportation has authority to allow less than the established dimensional requirements for only the following standards upon determining adequate space is provided for pedestrian passage, traffic management, and all other public-use purposes (SMC 15.16.040.C):

- Corner clearance zone (as described in Section 5.2.1);
- Pedestrian clear zone (as described in Section 5.2.2);
- Pedestrian straight path (as described in Section 5.2.3); and
- Setbacks (as described in Sections 5.3, 5.4, and 5.5).

5.6.3 Applicant-Requested Deviations from Siting Standards

5.6.3.1 Applicants may request consideration of reduced dimensions to the standards established in Section 5.6.2 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.

5.6.3.2 SDOT will 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, SDOT 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 put upon other properties in the vicinity; and
- The minimum necessary deviation to afford relief, and how the proposal compares.

6. DESIGN STANDARDS

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

6.1 EXITS

6.1.1 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.

6.2 AISLES

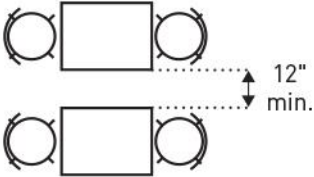
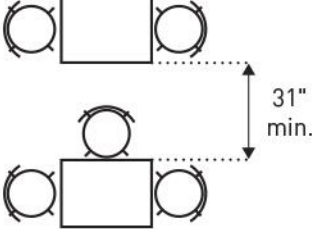
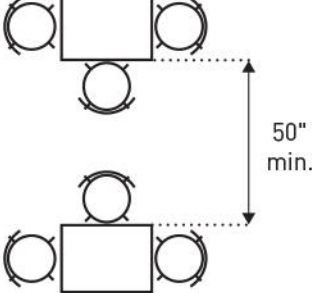
6.2.1 An aisle width requirement for cafés ensure there is adequate space for movement in between furniture and fencing. An aisle is not required in the following scenarios, but the café must still comply with the Americans with Disabilities Act (ADA):

6.2.1.1 The length of the café is less than 6 feet and the space can be used by no more than 4 people; or

6.2.1.2 The café has a fence-free design.

6.2.2 At minimum, aisle width shall be 12 inches for cafés with no moveable seating backing into the aisle. For each row of moveable seating backing into the aisle, minimum aisle width increases by 19 inches. Aisle width is measured from the table edge or the back of fixed seating perpendicular to the edge of the closest object (as depicted in Figure 7).

Figure 7. Required Minimum Aisle Width by Seating Configuration

| Number of rows of moveable chairs in aisle | Minimum width for aisle between tables or fixed seating |
|--|---|
| None |  |
| One |  |
| Two |  |

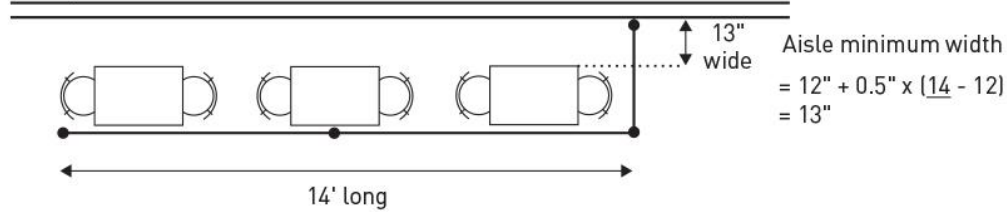
6.2.3 Aisle width is also determined by the length of the café, as measured by the maximum distance from the exit to the aisle or to the public place. For cafés longer than 12 feet in length, every additional foot or fraction thereof of café length beyond the 12-foot threshold will require an additional half inch of width to be added to the minimum dimension of the aisle width, as shown in Figure 8.

6.2.4 The length of the aisle cannot exceed 30 feet from any seat to a point of exit from the café.

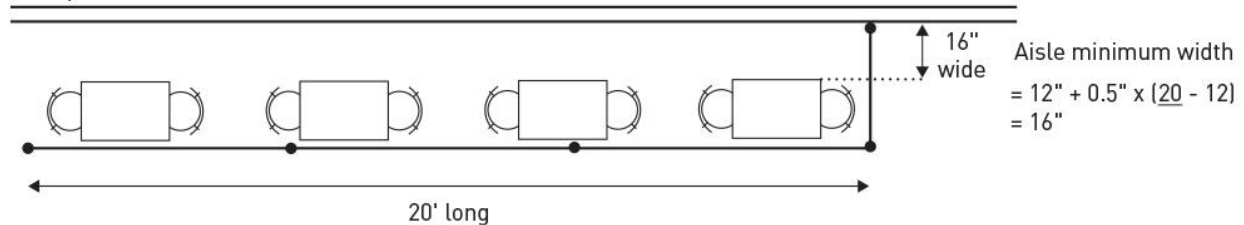
Figure 8. Required Minimum Aisle Width by Café Length

Formula: $12'' + 0.5'' \times (\text{café length in feet} - 12)$

Example 1



Example 2



6.3 FENCING

All cafés shall provide a form demarcation to separate the permitted café footprint from the surrounding public space. SDOT intends for cafés to bring activity and vibrancy to the public place, benefiting patrons and passersby alike. To achieve this, SDOT only approves café designs that integrate well with the surrounding public place and limit the perception of privatizing public space.

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

6.3.1.1 For cafés serving alcohol, the Washington State Liquor and Cannabis Board requires an enclosed barrier 42 inches in height;

6.3.1.2 In general, SDOT does not approve any fencing design features that extend beyond 42 inches tall, except for fence posts, finials, or approved overhead design elements, as described in Section 6.4;

6.3.2 Fencing and boundary elements shall be cane detectable and should be of a contrasting color to warn visually-impaired persons of potential hazards in the public place. Fencing shall include one or more of the following detectable elements;

6.3.2.1 A toe rail with a top edge at 6 inches minimum 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 to accommodate sloped conditions (Figure 9);

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 (6.3.2.2 Figure 10);

Figure 9. Fencing Design for Cane Detectability: Toe Rail

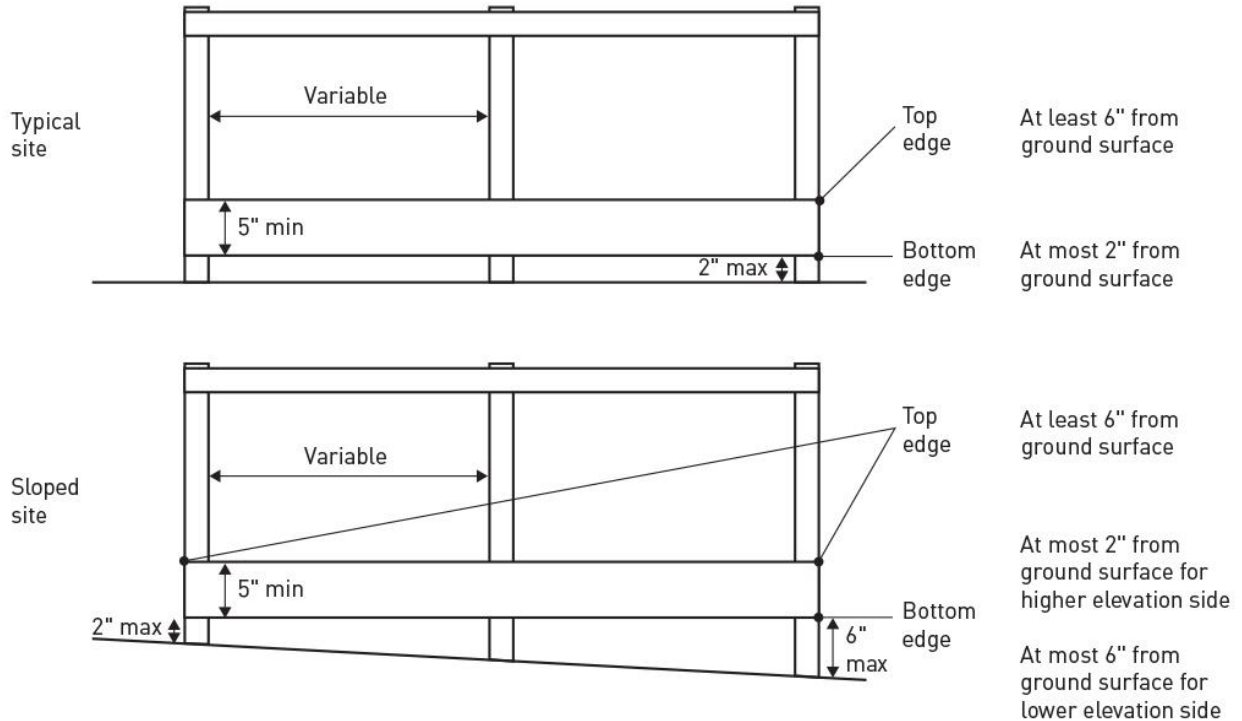
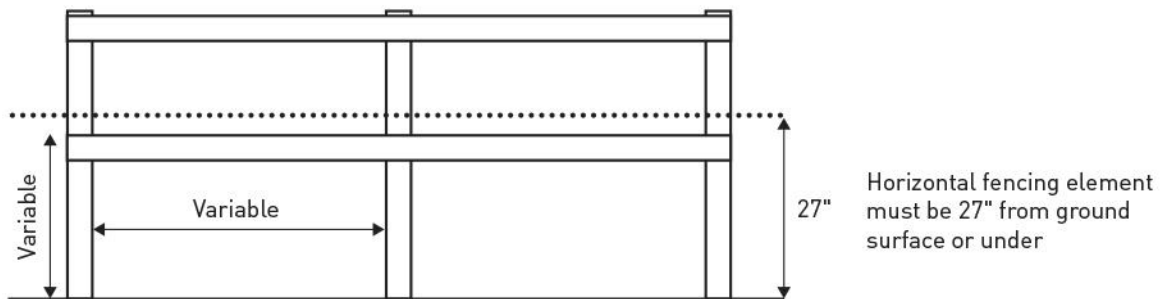
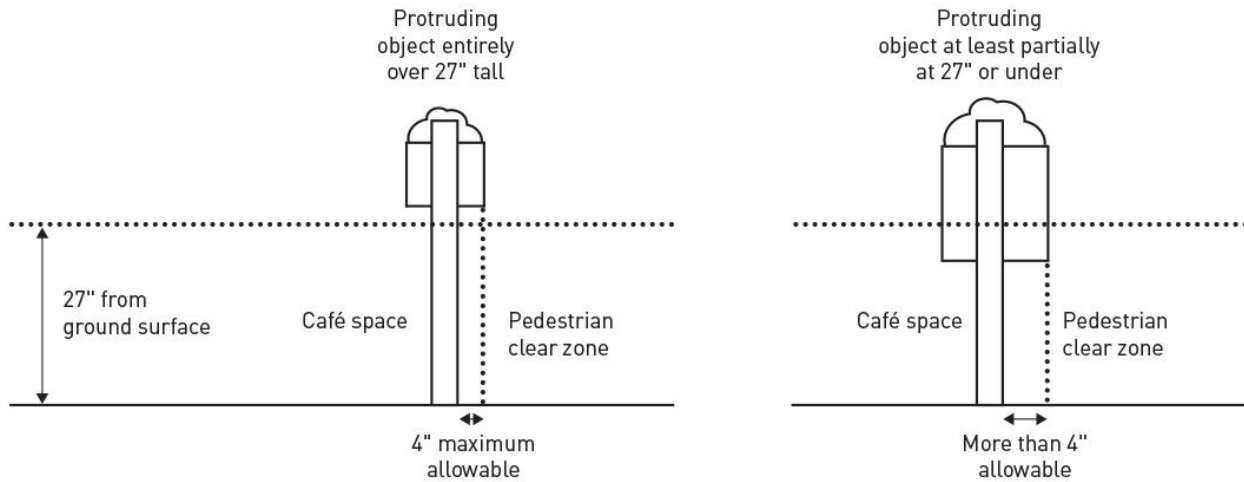


Figure 10. Fencing Design for Cane Detectability: 27-inch Tall Railing



6.3.2.3 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 11;

Figure 11. Cane Detectability of Objects Protruding from Fencing



6.3.3 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;

6.3.4 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;

6.3.5 Fencing shall be constructed of high-quality finish materials that enhance the streetscape, are highly durable, and are intended for outdoor use, such as steel, glass, or finished wood. Breakable plastic, unfinished wood, or pressure-treated wood is prohibited;

6.3.6 Fencing shall not include gates;

6.3.7 Posts with pointed tops are prohibited;

6.3.8 Fencing that contains or supports strings of lights, electrical cords, or other utility elements shall be reviewed by SDOT and meet these requirements:

6.3.8.1 Electrical cords or strings of lights shall be authorized by all applicable City departments. Additional SDOT or SDCI permits may be required;

6.3.8.2 Electrical cords or strings of lights may not be affixed to any street elements, street trees, or utilities;

6.3.8.3 Electrical cords or strings of lights shall obtain its power from a private source; and

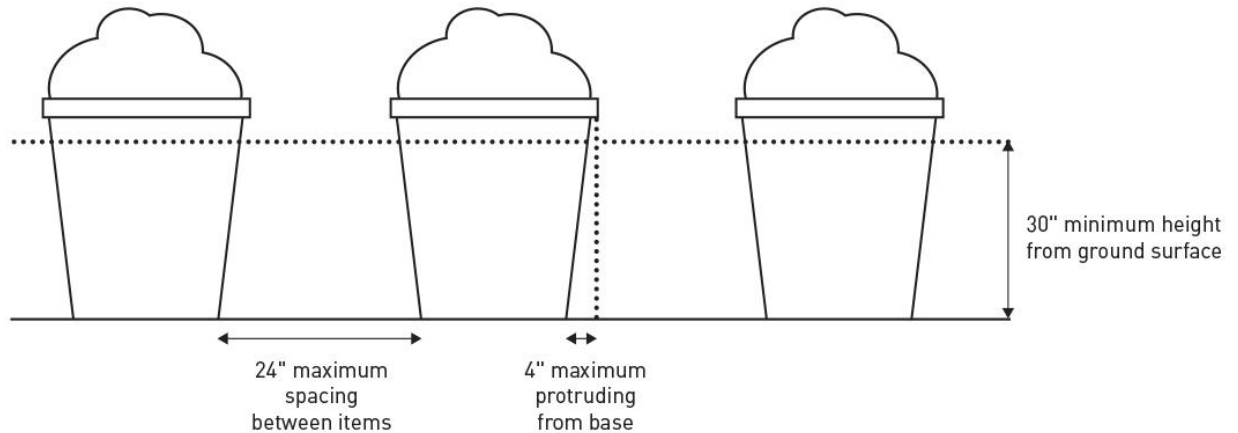
6.3.8.4 Any lighting provided within the café footprint shall be projected into the permitted area and not into the surrounding public place.

6.3.9 Landscaped planters or other landscaping elements may be used as a fencing component or in lieu of fencing to define the café footprint if allowable by the Washington State Liquor and Cannabis Board.

6.3.9.1 Planters shall meet the following requirements as demonstrated in Figure 12:

- Are at least 30 inches tall;
- Are 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 12. Placement Requirements for Planters Used in Lieu of Fencing



6.3.9.2 The use of planters may not form a continuous, solid barrier, except for the portion of the café on the sidewalk not abutting the pedestrian clear zone that is serving the purpose of a diverter.

6.4 OVERHEAD DESIGN ELEMENTS

6.4.1 The use of design elements that extend above the allowable fencing height may be considered at SDOT's discretion, but not at the expense of maintaining an open and transparent connection between the café and the sidewalk. Café designs with overhead elements are considered only when they do not adversely impact mobility or overly enclose the space.

6.4.2 Overhead design elements shall meet these design standards at minimum:

6.4.2.1 They shall be designed to provide pedestrian-scale lighting, landscaping, or other aesthetic benefits;

6.4.2.2 They shall not enclose the café space or be designed in a way that limits visibility between the café footprint and the public place;

6.4.2.3 For cafés located on the sidewalk, only minimal designs will be considered to curtail the perceived sense of privatizing these spaces;

6.4.2.4 For curb space cafés, more substantial structure elements may be considered, particularly if designed to provide: (a) overhead weather protection to extend the active

public and private use of the space into shoulder seasons, or (b) additional buffering between the roadway and café space to improve sense of safety; and

6.4.2.5 They shall not project beyond the café footprint.

6.4.3 SDOT may impose location restriction conditions on cafés with overhead design elements if necessary for sight line and mobility purposes, particularly near intersections. Overhead design elements are prohibited in the following locations:

6.4.3.1 For curb space 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

6.4.3.2 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.

6.5 PLATFORMS AND SITE-LEVELING STRUCTURES

6.5.1 SDOT discourages using platforms on sidewalks unless there is a demonstrated need for site leveling to make outdoor seating feasible. Platforms or other site-leveling structures on the sidewalk may be considered only:

6.5.1.1 For the portion of the proposed site area in the public place that exceeds an 8 percent grade; and

6.5.1.2 In conjunction with a curb space café only to the extent that it fulfills a need for accessibility, drainage, or any public-use purpose.

6.5.2 Platforms in the curb space will be considered only to the extent that it fulfills a need for site leveling, accessibility, drainage, or any other public-use purpose.

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

6.5.4 Seating Platform Design Standards:

6.5.4.1 Seating platforms should not be higher than what is required to level the site and generally should not exceed 18 inches or more in height above existing grade at any point. Additional height may be allowed, depending on site topography characteristics, and will require additional SDCI review;

6.5.4.2 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 6.3.2, except for the portion of curb space cafés abutting the roadway;

6.5.4.3 All portions of the seating platform and its railing and footings should be constructed with high-quality finish materials that are highly durable and intended for outdoor use such as steel, glass, or finished woods; and

6.5.4.4 Seating platforms shall be temporary in nature and removable, with no lasting damage to the sidewalk or public place.

6.6 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 SDOT's 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.

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

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

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

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

6.6.2 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:

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

6.6.2.2 At the café footprint corners and where the footprint meets the building;

6.6.2.3 At the edge of expected furniture placement, thus providing no space between furniture and the pedestrian clear zone;

6.6.2.4 Oriented toward the pedestrian clear zone for readability and consistency; and

6.6.2.5 In a way that does not create a trip hazard.

6.6.3 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:

6.6.3.1 Be between 30 and 42 inches tall;

6.6.3.2 Extend the entire width of the café footprint either as: (a) a single object detectable by cane, as defined in Section 6.3.2; or (b) multiple elements with the spacing requirements established in Section 6.3.9.1;

6.6.3.3 Abut the adjacent building and extend at a 90-degree angle from the building face;

- 6.6.3.4 Be able to withstand wind, adverse weather conditions, and incidental contact;
- 6.6.3.5 Not have supports or any elements that protrude beyond the café boundary;
- 6.6.3.6 Not be bolted to the sidewalk; and
- 6.6.3.7 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.

6.7 CURB SPACE CAFÉS

6.7.1 Curb space cafés shall conform to the following dimensional requirements:

- 6.7.1.1 Have a minimum of 12 feet in length;
- 6.7.1.2 Maximum footprint width of 6 feet in areas with parallel parking with an additional 1-foot minimum setback from the edge of travel lanes. The café's footprint may be wider in areas with angle parking; and
- 6.7.1.3 Locate wheelstop buffers at least 4 feet from the edge of café's footprint, where required.

6.7.2 Fencing is required for curb space cafés to delineate the café area from both the pedestrian clear zone and the travel lane. The following design standards shall apply:

- 6.7.2.1 For the portion of the café that abuts the sidewalk, all requirements in Section 6.3 apply;
- 6.7.2.2 Applicants are encouraged to consider fencing designs that allow the portion of the café that abuts the sidewalk to be removable or adaptable in a way that makes the space appear open and inviting to the public when not functioning as a café; and
- 6.7.2.3 For the portion of the café that abuts the travel lane, the fencing shall be constructed to have a continuous edge to increase visibility for road users. This fencing shall be:
 - At least 30 inches tall; or
 - At least 42 inches tall if required by the Washington State Liquor and Cannabis Board.

6.7.3 Curb space cafés shall incorporate built-in seating into the design to allow for active use of the space when open to the public.

7. APPLICATION REVIEW PROCESS

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

7.1 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. SDOT will not issue the Street Use café permit until the required SDCI review is completed or SDCI permits are issued.

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

7.1.1.1 If the total area of the café is 350 square feet or more;

7.1.1.2 If 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;

7.1.1.3 If the only legal exit path from the café is through the food service business;

7.1.1.4 If alterations to the abutting building's exterior result from café installation;

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

7.1.1.6 If overhead design elements are attached or connected to a building or an existing building-affixed structure; or

7.1.1.7 If a seating platform is 18 inches tall or higher at any point, as measured from grade.

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

7.2 ADA REQUIREMENTS

The City of Seattle does not review commercial facilities for compliance with the Americans with Disabilities Act (ADA).

SDOT's review of café applications to determine compliance with the 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.

SDOT does 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, SDOT is 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 aiseways. Approval of the café permit by SDOT cannot guarantee compliance with ADA or other state and local accessibility regulations.

7.2.1 SDOT will review for the following:

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

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

7.2.2 As a condition of the permit, SDOT requires that all permittees will meet their obligations under Title III of the ADA.

7.2.3 Certain situations may be more challenging to determine that Title III obligations can be met. These situations include but are not limited to:

7.2.3.1 Fenced cafés narrower than 5 feet wide;

7.2.3.2 Fence-free cafes narrower than 36 inches wide;

7.2.3.3 Cafés with any fixed seating;

7.2.3.4 Cafés with any bar/table surface constructed into the café area;

7.2.3.5 Cafés with platforms; and

7.2.3.6 Cafés located in the curb space.

7.3 PUBLIC NOTICE

7.3.1 SDOT may require applicants to 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)

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

7.4 PERMIT CONDITIONS

7.4.1 The Director may condition the café Street Use permit to address:

7.4.1.1 Design standards and placement of associated elements;

7.4.1.2 Hours and dates of café operation and public place occupation;

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

7.4.1.4 Posting a surety bond as provided for in SMC 15.04.044 or establishing an escrow account as provided for in SMC 15.04.042, particularly when the café design requires structural elements (e.g., platforms);

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

7.4.1.6 Pedestrian passage, traffic management, and any public use purpose;

7.4.1.7 The use of heating elements within the permitted café area if they are of a type permitted by the Seattle Fire Marshal; and

7.4.1.8 Using strings of lights, electrical cords, or other utility elements to meet the requirements of Section 6.3.8.

7.5 REQUESTS FOR REVIEW AND RECONSIDERATION

7.5.1 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)

8. CAFÉ PERMITS

8.1 PERMIT ADMINISTRATION

8.1.1 All Street Use permits are of a temporary nature, vest no permanent rights, and are revocable as provided for in SMC 15.04.070.

8.1.2 The Director may modify the conditions of an existing café Street Use 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 permit. (SMC 15.04.070)

8.1.3 In cases of change of ownership, SDOT may approve a permit transfer if no physical changes to café footprint and fencing are proposed.

8.1.3.1 A permit transfer application shall be received by SDOT within 90 calendar days of SDOT notification of end of permit duration.

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

8.1.3.3 If a permit transfer does not comply with applicable codes and rules, SDOT may initiate enforcement 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 are in compliance with 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 8.1.3); 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 when the Street Use permit expires. (SMC 15.16.012.A)

8.3.2.1 When bolted fencing or platforms are removed, the permittee is responsible for removing the bolts, filling the holes and restoring the public place to its original condition.

8.3.2.2 In some cases, a Street Use permit may be required as described in the Right-of-Way Opening and Restoration Rule (ROWORR) for 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. Tables and chairs may remain in the café outside of business hours, unless otherwise specified in permit conditions.

8.4.1.2 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.

8.4.1.3 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.

8.4.1.4 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 or café permit.

8.4.1.5 Advertising, logos, or promotional material in any form is prohibited on or in the café, including on fencing, diverters, umbrellas, or furniture.

8.4.1.6 To maintain clear sight lines for traffic, a curb space 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.

8.4.1.7 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 6.4.3;
- When umbrellas overhang the pedestrian clear zone, there is at least 8 feet of clearance above the sidewalk grade; and
- For curb space cafés, all parts of umbrella are setback 18 inches from the travel lane. For furniture zone cafés, all parts of umbrella are set back 18 inches from the curb face.

8.4.2 Permittee Operational Responsibilities

8.4.2.1 The permittee shall operate the café throughout the year.

- The café may be closed when cold or other inclement weather prevents its use.

- During a permit transfer process as described in Section 8.1.3, a café may be temporarily closed. However, if the café is not in use for four or more months, SDOT may require that all café elements be removed and terminate the existing café permit.
- For cafés on the sidewalk, to open the sidewalk for pedestrian use, SDOT encourages 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 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 SDOT's request.

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;
- 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 cause pedestrians to divert from 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 café shall comply with all Washington State Liquor Control laws. (SMC 15.16.080)

8.4.2.6 Installation and use of speakers and other amplified sound is prohibited. (SMC 15.16.080)

8.4.2.7 Curb space cafés are required to provide full public access to the café area when not in operation by the permittee.

8.4.2.8 The permittee shall temporarily remove the café and clear the public place when:

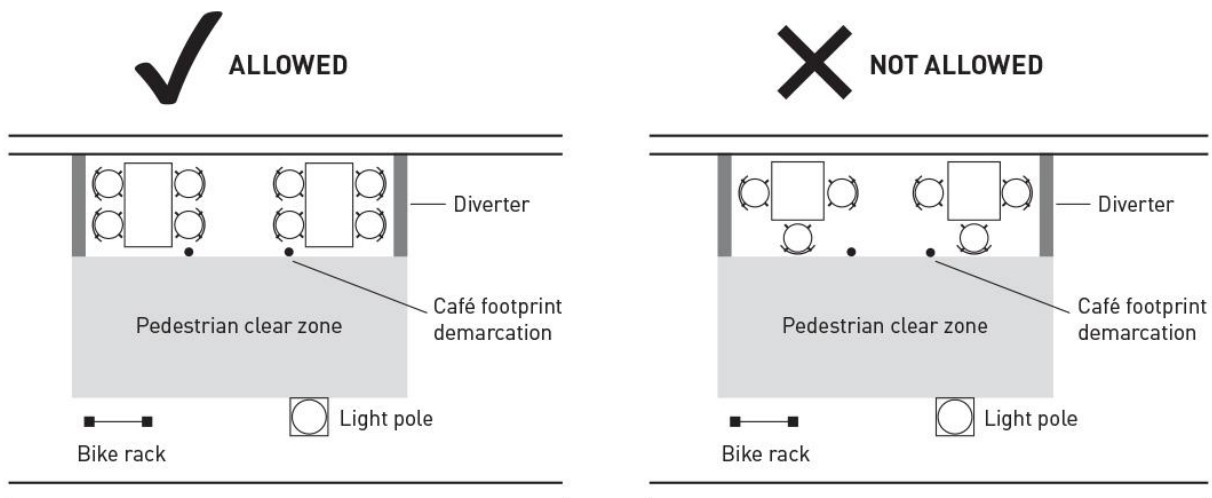
- The Director of Transportation deems it necessary for transportation mobility or public safety purposes or to temporarily accommodate access to utilities or abutting properties;
- Ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official;

- 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.

8.4.2.9 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 established footprint as delineated with SDOT-approved demarcation;
- 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;
- 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 chair with a back to the pedestrian clear zone, as shown in Figure 13.

Figure 13. 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 generated from the operating the café and their business.

8.4.3.2 The permittee shall maintain platforms or other structures associated with the café (if approved) in the public place in an as-built condition.

8.4.3.3 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.

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