



# Sidewalk Café and Seating Area Standards

Sidewalk cafés and seating areas are an excellent way to enrich the character of neighborhoods and enhance economic development. The City of Bellevue has developed these sidewalk seating standards to encourage a vibrant sidewalk experience while providing safety and accessibility for all sidewalk users.

Sidewalk seating in the right-of-way for an adjacent business requires a Street Use Permit from the Transportation Department. There are two categories of sidewalk seating permits – a Seating Area permit and a Sidewalk Café permit.

For the purpose of this document and associated permits, the term *sidewalk café* refers to an area in the public place where table and chairs are placed for the use of patrons consuming food or beverages that is operated by a food service establishment located on abutting property.

## I. Definition of Types of Sidewalk Seating

### A. Seating Area:

A Seating Area permit allows for tables and chairs to be set out on the sidewalk directly adjacent to the business. Table service is not allowed, and alcohol cannot be consumed.

The tables and chairs must be removed daily and no railings are allowed. If approved, umbrellas may be used.

These can be used by both customers and the general public.

One-time annual application and review fee, plus annual Use Fee.

### B. Sidewalk Café:

A Sidewalk Café permit is required where table service will be provided. If the permitted business holds a liquor license, alcohol may be served.

Demarcation of the sidewalk café area is required and may consist of railings, planters, or City-installed pavement markings (with approval from the WSLCB for establishments serving alcohol). If approved, umbrellas may be used.

The seating is for the exclusive use of the business patrons.

One-time annual application and review fee, plus annual Use Fee.

## II. Sidewalk Accessibility Standards

A. The pedestrian access route (PAR) along and adjacent to Sidewalk Cafés and Seating Areas shall provide a clear path of pedestrian travel in compliance with the Americans with Disabilities Act (ADA) and the accessibility provisions of the current adopted City of Bellevue Building Code.

B. The pedestrian access route measured from the outside edge of the permitted sidewalk café area to the nearest obstruction, or if no obstruction to the back face of curb, shall be a minimum of 5 feet on non-arterial roads and 7 feet on arterial roads. In special

circumstances, a minimum of 4 feet may be used for limited lengths, subject to approval.

- C. The pedestrian access route shall be generally straight with no abrupt turns that impair pedestrian circulation.
- D. The pedestrian access route shall not include tree grates or planter areas.
- E. The Director of Transportation may require greater than the minimum width for the pedestrian access route in areas with large volumes of pedestrians.

### **III. Sidewalk Café and Seating Area Standards**

#### **A. Location and setbacks:**

- 1. Permitted area shall be along business frontage, adjacent to the building or curbside, but not both.
- 2. Minimum setback from restaurant doors or adjacent business doors shall be a minimum of 3' clear, and shall meet the requirements of 2009 ICC A117.1, Section 404 for doors and doorways.
- 3. If permitted area is curbside, the setback to the front face of curb shall be 3' and shall have physical delineation that is difficult to move (such as planters) between the seating area and the curb.
- 4. Adjacent to street corners, the clear area shall be the greater of:
  - a. The area of intersection of the walkways
  - b. 5 foot setback from curb ramps
  - c. 5 foot setback from the beginning of the curb radius

#### **B. Delineation is required for a Sidewalk Café permit and may be either sidewalk markings or a vertical barricade.**

- 1. Sidewalk markings maximize walking and dining space that would otherwise be occupied by a barricade, and their use shall meet all of the following requirements:
  - a. The permitted area must be contiguous to restaurant.
  - b. The sidewalk markings must be at all boundaries of the permitted sidewalk café area.
  - c. The sidewalk markings will be provided and installed by the City. As per WSLCB requirements, approval will need to be obtained from WSLCB when serving alcohol and proposing to use markers instead of the required 42" barrier, the markings will be 6 inches minimum in diameter and spaced no more than 10 feet apart. It is the food service establishments responsibility to comply with the WSLCB requirements.
  - d. Cane navigational delineation (vertical barricades) shall be provided at the leading and trailing edges of the seating area, perpendicular to the

building face. Where alcohol is served and 6” markers are used along the length of the sidewalk café, cane navigational delineation at the leading and trailing ends must be 42” in height per WSLCB.

2. Vertical barricades may be fencing, railing, stanchions, planters, or other approved elements. The entire barricade, including bases, must be within the permitted area, and shall meet the following requirements:
  - a. Vertical barricades shall be between 30 and 42 inches in height. If alcohol is served, they shall be 42 inches in height unless City 6” markers noted above are used (cane detection is still required at leading and trailing ends of the sidewalk café).
  - b. Vertical barricades must be detectable by cane having a toe rail or horizontal rail, chain or rope (chain, rope, etc. pulled tight allowing substance for cane detection) less than 27 inches above the sidewalk or other vertical cane-detectable elements spaced no more than 24 inches apart horizontally.
  - c. Where alcohol is served, opening of vertical barricades into and out of the sidewalk café footprint shall not exceed 10 foot total combined opening along each side of the sidewalk cafe, per WAC 31403-200. Must maintain ADA required cane detection.
  - d. Fencing style barricades must be generally transparent, not solid.
  - e. Vertical barricades must be constructed of finish quality materials such as steel, safety glass or finished wood. Plastic, unfinished wood, or pressure-treated wood is not allowed.
  - f. Vertical barricades must be free-standing and sturdy. Bolting to the sidewalk is not allowed.
  - g. If a vertical barricade is used and there is no entrance/exit directly to the public space but only into the restaurant, an additional review and permit will be required by the Building Department.

### C. Seating

1. All seating and tables must be moveable for ADA access. It is the food service establishment’s responsibility to comply with Title III of the ADA.
2. Required area per occupant/chair is 15 square feet or as determined in accordance with Chapter 10 of the IBC, as adopted by the City.
3. Seating and tables cannot obstruct restaurant doors or exits.
4. Material shall be heavy molded plastic, resin wicker, decorative metal or finish grade wood.
5. Seating and tables shall not be placed on tree grates or planter areas.

### D. Hours of Operation

1. Opening time: 8:00 a.m. or establishment’s opening time, whichever is later.

2. Closing time: 10:00 p.m. or establishment's closing time, whichever is earlier.
- E. Decorative planters may be located in the seating area but must be fully within the footprint of the permitted sidewalk café area.
- F. Umbrellas are allowed within the footprint of the permitted sidewalk café or seating area, but the lowest part of the umbrella must not be less than 6'-8" above the sidewalk surface when fully opened. Umbrellas may encroach on the pedestrian circulation path outside of the permitted area provided the lowest part of the umbrella is a minimum of 8 feet above sidewalk.
- G. Heating elements of a type approved by the Fire Marshall are allowed and must be fully within the footprint of the permitted sidewalk café area.

#### **IV. Permit Conditions**

- A. Allowed hours of operation and periods of use during the year.
- B. All furnishings and fixtures must be non-permanent and removable within 24 hours.
- C. Sidewalk café must be in compliance with all WSLCB laws, if alcohol is served.
- D. For Sidewalk Cafés, the business must have an attendant, wait staff or server dedicated to outside service area when patrons are present.
- E. Sidewalk café area may only be used for food and beverage service by the permitted business – storage or other uses are strictly prohibited.
- F. Amplified sound including the use of speakers and microphones is not allowed.
- G. No floor coverings or carpets are allowed in the sidewalk café area.
- H. In an emergency, the City can clear the Seating Area or Sidewalk Café immediately. The City will not be responsible for any damage.
- I. Sidewalk Café and Seating Area permits may be temporarily suspended if city maintenance, repair or improvement work needs to be performed.

#### **V. Responsibilities of the Permittee**

- A. The permittee shall have a copy of the permitted layout of the sidewalk café on site and readily available for review if necessary.
- B. The permittee is responsible for ensuring the sidewalk café activity remains within the permitted area.
- C. The permittee shall maintain the sidewalk seating area and adjacent public space to keep it clean and free of debris of any kind generated by the sidewalk café.
- D. The permittee shall address any pest (rodent, bird, etc.) concerns or issues associated with the sidewalk café or seating area and will comply with all Health Department requirements.
- E. No storage of materials or supplies other than those used for the daily operation of the sidewalk café will be allowed in the permitted area.

- F. The permittee shall ensure that the activities of the sidewalk café will not create a nuisance or hazard to public health, safety, or welfare and will not interfere with access to abutting or adjacent property and must not encroach into the ADA required sidewalk pedestrian access route.
- G. The permittee shall immediately remove the sidewalk café elements when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

## **VI. Permit Application**

The following documentation is required to apply for a Seating Area or Sidewalk Café permit.

- A. Building owner Letter of Authorization (LOA), if different from restaurant owner, verifying that the Seating Area or Sidewalk Café will be operated by a food service establishment that is permitted by the King County Department of Public Health.
- B. Proof of Insurance naming the City of Bellevue as an additional insured with a CG 20 12 or CG 20 26 endorsement in the following amount:
  - 1. Seating Area Permit - \$1,000,000
  - 2. Sidewalk Café Permit - \$2,000,000
  - 3. Endorsements must be submitted along with the Certificate of Liability Insurance.
- C. Hold Harmless agreement (form provided by the city after initial application).
- D. Copy of WSLCB license and Added Activities Acknowledgement, if applicable.
- E. Description of proposed use including:
  - 1. Proposed hours of use
  - 2. Anticipated periods of use during the year
  - 3. If any liquor will be sold or consumed in the Sidewalk Café area
  - 4. Proposed furniture type and material
  - 5. Total seating (number of tables and chairs)
  - 6. Total square footage of proposed Sidewalk Café.
- F. A site plan drawing – drawn to scale – showing the following:
  - 1. Property address and business name
  - 2. Street names and north arrow
  - 3. Location of property lines and dimensions of the sidewalk area proposed for the Seating Area or Sidewalk Café
  - 4. Location of all Seating Area or Sidewalk Café elements, including tables, chairs, umbrellas, demarcation (pavement markings, railings, planters, etc.), decorative planters, or other fixtures and their dimensions

5. Location of any Fire Department connections or standpipes
6. Location of all existing improvements on the adjacent sidewalk including tree grates/tree wells, fire hydrants, street lights, utility poles, street furniture, bike racks, utility covers in sidewalk, etc. and their distance from the proposed Seating Area or Sidewalk Café
7. Dimension from back of adjacent roadway curb to proposed Seating Area or Sidewalk Café
8. Layout and dimensions of the pedestrian access route (see Section II A-D)
9. Restaurant entrance and setback dimension
10. Entrance(s) to Sidewalk Café, if a railing or barrier is used
11. Details of railing or barrier, if used, including style, material, support and dimensions.

G. Fee/deposit

1. Application/review fee is due with application for both Seating Area and Sidewalk Café permits.
2. Annual permit fees for Sidewalk Cafés are due upon approval of application. The annual fee covers a period of one year (January 1 to December 31) and is not pro-rated.
3. Fees are non-refundable.

**VII. Permit Administration, Expiration and Renewal**

- A. Seating Area and Sidewalk Café permits are annual permits.
- B. Annual permit fees for Sidewalk Cafés will consist of the standard Street Use Permit submittal fee and a Use Fee based on the square footage of the permitted area.
- C. Seating Area and Sidewalk Café permitted limits can be re-applied for annually provided:
  1. An annual permit is obtained
  2. The annual permit and Use fees are paid
  3. The permittee is in compliance with all permit conditions
  4. The space is not needed for transportation, utility or any other public use purpose.
- D. Permit modification is required if site conditions change or if the business changes ownership. An additional review fee will be charged for permit modification.
- E. Permits are of a temporary nature, vest no permanent rights, and are revocable.
- F. The Director of Transportation may suspend the permit for transportation mobility or public safety purposes, for permitted Special Events, or any other permitted activity.

- G. The Director of Transportation may modify the conditions of a sidewalk café or seating area permit after providing the permittee with written notice ten (10) days prior to modifying the permit.
- H. For unique circumstances with pre-established use (prior to August 2017), exceptions to these standards may be allowed at the discretion of the Transportation Director using the established procedure for Deviations and Exceptions.

**VIII. Penalties – Suspension or Loss of Permit**

- A. The sidewalk café or seating area must be in compliance with all permit conditions and sidewalk seating standards. Noncompliance may result in suspension or revocation of the permit.
- B. Written notices will be issued for non-compliance of any standards and conditions, including but not limited to:
  - 1. Encroachment beyond the permitted area, especially into the walkway for pedestrian travel (the PAR).
  - 2. Tables and chairs in excess of the permitted number
  - 3. Violation of noise code requirements
  - 4. Occupancy beyond the permitted hours of operation.
- C. Three written notices within the annual permit timeframe will result in the permit being suspended for thirty (30) days. After the first violation the City may require additional fees to cover the cost of inspection.
- D. Repeated suspensions may result in revocation of the permit at the discretion of the Director of Transportation.

**IX. Prohibited Uses**

- A. The permitted area shall not be used for any other purpose than as a sidewalk seating area or café as described in the permit.
- B. Outdoor storage is not allowed.
- C. No trash cans or refuse storage containers are allowed at any time.

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