



Sidewalk Café Permit **Applicant's Guide to the Process**

BACKGROUND

In July of 2008, the City Council adopted Ordinance No. 810 establishing a new chapter in the City's Municipal Code to accommodate and regulate Sidewalk Cafés. One of the Council's goals in establishing the Ordinance was to create a streamlined process for the review of sidewalk café proposals. The result was an ordinance that requires only one [Sidewalk Café] permit, rather than multiple authorizations such as an Encroachment Permit and a Design Review Permit. Under the Council's approved Ordinance, those types of reviews are instead built into the Sidewalk Café Permit application itself. A copy of a Sidewalk Café Permit application is attached, along with a copy of DMMC Chapter 23.30.

THE APPLICATION REVIEW PROCESS

A Sidewalk Café Permit must be obtained prior to installing or operating a sidewalk café. The City Council is the issuing authority for Sidewalk Café Permits. Once a submitted application is deemed complete, it is scheduled for review at a noticed City Council hearing.

Factors to be considered in review of Sidewalk Café Permit applications.

In reviewing applications for Sidewalk Café Permits, the City Council considers a number of factors, the foremost of these being the proposed project's consistency with the provisions of the Sidewalk Café Ordinance. The Ordinance includes measures to protect against potential health and safety impacts; to address environmental concerns; and to preserve the visual character of the City's downtown streets and sidewalks. The Ordinance also includes a requirement that the City be compensated for the commercial use of the public-right-of-way. A yearly user fee is paid to the City, with the collected funds used for installing and maintaining streetscape improvements in the downtown area.

The language of Chapter 23.30 includes the City Council's specific goals and requirements for Sidewalk Cafés. It is strongly recommended that potential applicants, *and their architects/designers and engineers* carefully review the Ordinance before expending resources for the preparation of plans or for the purchase of sidewalk café furniture. A pre-application conference with staff is also highly recommended.