

Sedro-Woolley Public Works Department
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-0771

Public Works Policy on Temporary Outdoor Dining Areas in Rights of Ways During COVID-19 Restrictions

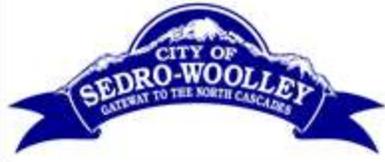
Updated November 16, 2020

Definition: “Temporary Outdoor Dining Areas in Rights of Way” means a private dining area or gathering space that is located in the on-street parking spaces in front of a business; or on the sidewalk in front of a business. Temporary Outdoor Dining Areas in Rights of Way serve as an outdoor extension of the business into the public right-of-way and may include a built structure to create a flat, useable area in the parking area of a city street. There are two types of Temporary Outdoor Dining Areas in Rights of Way: dining areas on sidewalks (temporary sidewalk cafés) and outdoor dining areas over parking spaces (parklets).

The intent of this policy is to allow the use of public sidewalks and/or parking spaces in front of a business in the Central Business District, excluding State Routes, as a private outdoor dining area, when in conformance with the criteria in this policy. Temporary Outdoor Dining Areas in Rights of Way are defined in this policy. Temporary Outdoor Dining Areas in Rights of Way are intended to be an attribute to the downtown business district and allow for businesses in the city to accommodate additional customers while complying with indoor occupancy restrictions imposed by the state of Washington in response to the COVID -19 pandemic.

A. Temporary outdoor dining areas over parking spaces (parklets) may be placed within the right-of-way between May 15, 2020 and October 31, 2021 and shall only be used between the hours of 6:00 AM and 10:30 PM. Sidewalk cafés may be placed within the right-of-way year round. Temporary Use application forms shall be provided and application fees shall be set by the City. A site plan shall be required with the application. During the COVID-19 pandemic restrictions, the permit fees may be waived as allowed under the Mayor’s COVID-19 emergency proclamation. Public Works Department approval of the application is required prior to installation or use. Approved permits are valid only for the calendar year they are issued. All parklet permits shall be issued using the temporary use permit process; any approval shall not constitute vesting for permanent usage. Applications applied for under this temporary policy shall be issued using the temporary use permit process; any approval shall not constitute vesting for permanent usage. Sidewalk café applications for permanent sidewalk cafés shall be processed by the already-established permitting process for sidewalk cafés and usual fees will apply.

B. Parklets. Under this policy, there are two types of parklets: those with a constructed platform to create a level dining area (Type 1 Parklet); or parklets that do not have a platform (Type 2 Parklet).



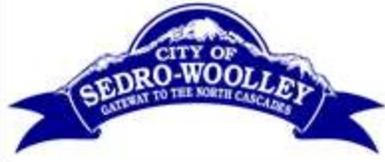
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C. Type 1 Parklet requirements. Construction of temporary outdoor dining over parking spaces shall meet the following requirements:

1. Consist of a structure that includes a flat, stable, non-slip surface that is built over the city street and shall be removed from the right-of-way at the end of the defined season.
2. Have barriers on the three sides not adjacent to the curb with railings or other approved barriers of at least 42 inches in height. Barriers shall be of sturdy construction and visible to traffic.
3. Platforms for dining in the street-parking area shall conform to the applicable provisions, rules, regulations, and guidance of the Americans with Disabilities Act (ADA). The Building Department shall approve the construction of all street-parking structures.
4. Be allowed rain and shade coverings such as umbrellas or canopies, as long as no part of the canopy extends into the sidewalk or travel lane, does not impede vision of vehicular traffic, is anchored securely against the wind, closed or removed overnight, and does not contain any advertising. All shade coverings must be open on at least two sides per the Governor's Outdoor Seating Requirements.
5. Not block access to bus stops or ADA parking.
6. Be configured so all tables, chairs and attachments can be completely removed at any time.
7. Not encroach into the sidewalk (refer to temporary sidewalk café).

D. Type 2 Parklet requirements. Temporary outdoor dining areas without a platform over parking spaces shall meet the following requirements:

1. Have seating separated from the travel way by at least 2 feet using fencing, barricades or planters with highly visible traffic cones or delineators. Railings or other approved barriers shall be at least 42 inches in height. Barriers shall be of sturdy construction and visible to traffic.
2. Be allowed shade coverings such as umbrellas or canopies, as long as no part of the canopy extends into the sidewalk or travel lane, does not impede vision of vehicular traffic, is anchored securely against the wind, closed or removed overnight, and does not contain any advertising. All shade coverings must be open on all four sides.
3. Not block access to bus stops or ADA parking.
4. Be configured so all tables, chairs and attachments can be completely removed at any time.



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5. Not encroach into the sidewalk (refer to temporary sidewalk café).

E. Size – Parklets. Sidewalk cafés over parking spaces, including barriers, planting boxes or other ancillary objects, shall extend no more than 12 feet street-ward from the curb or to the extent of the parking stall dimension, whichever is less. Sidewalk cafés shall only be installed in parking stalls that are located in front of the business and shall not exceed the width of the business space.

F. Size – Temporary sidewalk cafés. Sidewalk cafés placed on the sidewalk itself shall allow an unimpeded, minimum five foot (5') clear walkway outside of the dining area for passing pedestrians.

G. Parklet Maintenance.

1. The business owner is responsible for maintaining the safety and physical upkeep of parklets.
2. The business owner is responsible for keeping the curb free of debris that may interfere with stormwater conveyance.
3. Street sweeping machinery will be unable to operate normally around parklets over parking spaces. The business owner is responsible for sweeping the street within 20 feet laterally from the parklet.
4. Chairs must be removed by close of business each day. Tables must be permanently affixed or removed by close of business each day.

H. Temporary Sidewalk Café Maintenance.

1. Tables and chairs must be removed by close of business each day or securely locked.
2. The business owner is responsible for maintaining the safety and physical upkeep of the sidewalk café.
3. The business owner is responsible for sweeping the sidewalk within the sidewalk café.

H. Conformance with Washington State Liquor Control Board policy. Businesses may serve beer, wine or spirits in a sidewalk café dining area if compliant with the Washington State Liquor Control Board rules and policies. Upon City approval, the City will provide a sidewalk café permit to businesses to assist with the Washington State Liquor Control Board approval process.

I. Insurance and Liability. The applicant shall comply with all insurance and indemnification requirements of the City, as outlined in the Hold Harmless Agreement.