

City of Portland Bureau of Transportation

SIDEWALK CAFÉ

PERMIT Information and Application

Mail | **City of Portland**
Bureau of Transportation
Sidewalk Café
1120 SW Fifth Avenue Room 800
Portland OR 97204

Phone | **503-823-7002 option 5**

Fax | **503-279-3968**

Email | **sidewalkcafe@pdxtrans.org**



Welcome!

This packet contains all of the information you need to understand and apply for a Sidewalk Café Permit. Please read the contents before you start the application process. If you have any questions, feel free to contact us at 503-823-7002 option 5.

What is a Sidewalk Café Permit?

A Sidewalk Café Permit allows the holder of the permit to place tables and chairs within the sidewalk area adjacent to a business for use by patrons to whom the business has provided food or beverage. This is an act that is otherwise prohibited in the City of Portland. Sidewalk Café Permits are authorized by Portland City Code, Title 17, Chapter 25; *Sidewalk Cafés*.

The permit requires that the Sidewalk Café operator ensures that their Sidewalk Café meets site and other regulations as set by the City of Portland.

Who is the Sidewalk Café Permit issued to and where can it be used?

The Sidewalk Café Permit is issued to an individual, the Permittee, for use by the single business and location named in the application. The Permittee is often the owner of the business. The permit is personal to them and cannot be transferred in any manner, nor can the permit be used for another business or location.

Who is responsible for Sidewalk Café operations?

The Permittee bears ultimate responsibility for the operations of the Sidewalk Café.

Some types of permit violations can result in immediate citation by a Portland Police Officer. The citation would be issued to the Responsible Party. The Responsible Party is the person overseeing business operations at the time, such as the restaurant manager or shift manager.

It is the Permittee's responsibility to inform any Responsible Party of Sidewalk Café Permit requirements.

What does a Sidewalk Café Permit cost?

There are two types of cost for a Sidewalk Café Permit: an application fee and a permit fee.

How much is the application fee?

The total application fee is base fee of \$150.00 plus \$4.50 per linear foot of Sidewalk Café operation. The total linear feet of Sidewalk Café operation will be determined during a site visit by City staff and the Permittee or their agent.

How much is the application fee? (continued)

A \$50.00, non-refundable payment is due at the time of application. The remainder of the application fee is refundable if no permit is issued. If a permit is issued, the permittee has two choices for paying the remainder of the application fee. First, the remainder of the application fee may be paid in-full at the time of permit issuance. Second, the permittee may choose to divide the total application fee into three equal sums, one due at the time of permit issuance for each of the business's first three annual permits. If the second option is chosen and the permittee decides to not renew their permit before the application fee has been paid in-full, the remaining balance will be due immediately.

How much is the permit fee?

The total annual permit fee is \$75.00 plus \$1.50 per linear foot of Sidewalk Café operation. The total permit fee is due at the time of permit issuance.

Do I need liability insurance for a Sidewalk Café Permit?

Before a Sidewalk Café Permit can be issued, you must provide the City with evidence of your business's liability insurance. The insurance must remain current as long as you have a permit and will need to meet the City's requirements, detailed later in this packet.

Do I need permission from the owner of the property on which my business is located?

The owner of the property adjacent to the Sidewalk Café must give consent before a Sidewalk Café Permit can be issued. They are ultimately responsible for the maintenance and condition of the sidewalk and are potentially liable for that which occurs on the sidewalk.

When is a Sidewalk Café Permit valid?

Sidewalk Café Permits are issued on an annual basis. They are valid upon issuance and expire December 31st of the year issued, unless revoked earlier.

Sidewalk Café operations are allowed during any hours that the business is open and operating.

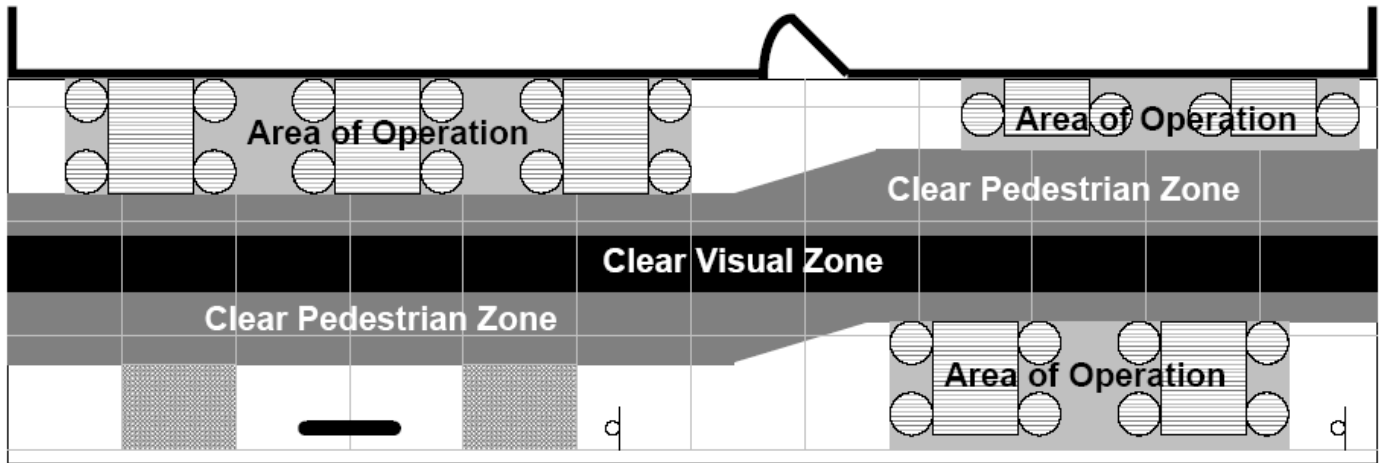
Where can my Sidewalk Café be located?

A Sidewalk Café will only be allowed where

- The area is either zoned as Commercial or Employment
- The sidewalk, as measured from the property line to the curb, is at least 8 feet wide
- A Clear Pedestrian Zone can be established

Zoning can be determined on the website www.portlandmaps.com, by calling Portland Planning and Zoning at 503-823-7526, or in Portland City Code, Title 33, *Planning and Zoning*.

Where can my Sidewalk Café be located? (continued)



Sidewalk Café operations are confined to a space referred to as the Area of Operation. All operations, furniture, and other obstructions must be within the Area of Operation at all times.

The area reserved for pedestrian and other travel is referred to as the Clear Pedestrian Zone. This area must be free of all obstructions such as posts, signs, street lights, fire hydrants, bicycle racks, bicycles utilizing bicycle racks, vegetation, trees, tree-wells, planters, literature and news racks, parking meters, bus shelters, benches, tables, chairs, umbrellas, heaters, and waste receptacles. The Clear Pedestrian Zone must also meet City standards as described in the *Sidewalk Maintenance Program Policy & Operating Guidelines* (TRN-1.11). Obstructions such as café umbrellas are allowed to extend into the Clear Pedestrian Zone from within the Area of Operation only when all parts are above a height of 7 feet within the Clear Pedestrian Zone.

The minimum width of the Clear Pedestrian Zone is determined by the width of the sidewalk and is shown in the table below.

Sidewalk Width measured from property line to curb	Clear Pedestrian Zone Minimum Width
Less than 8 feet	No Permit Allowed
Greater than or equal to 8 feet and less than or equal to 10 feet	5 feet 6 inches
Greater than 10 feet and less than 15 feet	6 feet
Greater than or equal to 15 feet	8 feet

The width of the sidewalk is determined by City records. Adjustments may be made at the discretion of the City Engineer when field measurements conflict with City records.

The Clear Pedestrian Zone is allowed to meander from side to side to avoid obstructions, but must always contain a continuous, straight passage with a minimum width of 2 feet. This is referred to as the Clear Visual Zone and provides pedestrians with a clear indication of the walkway through the Sidewalk Café. The Clear Visual Zone runs in the intended direction of travel along the sidewalk; in most circumstances this is parallel to the curb.

Where can my Sidewalk Café be located? (continued)

In the case of adjacent Sidewalk Cafés, the Clear Pedestrian Zone and the Clear Visual Zone of the newer Sidewalk Café will align with the same zones of the older Sidewalk Café.

The Area of Operation for a Sidewalk Café is typically located between the business's property-line and the Clear Pedestrian Zone. The Area of Operation may also be located, at the discretion of the City Engineer, between the Clear Pedestrian Zone and the curb; generally a 2 foot buffer will be required between the Area of Operation and the curb. If a sidewalk is wide enough, an Area of Operation may be allowed on each side of the Clear Pedestrian Zone.

What if my business is adjacent to the Transit Mall?

The Transit Mall is the entire length of SW 5th and SW 6th Avenues between I-405 and NW Irving Street; bus and MAX platforms are located on the west side of SW 5th Avenue and on the east side of SW 6th Avenue. Bus and MAX platform areas are excluded when determining sidewalk width on the Transit Mall. Additional requirements may apply to Sidewalk Cafés on the Transit Mall.

How will I know where the Area of Operations is located?

City staff will affix a small marker to the sidewalk at each corner of your Sidewalk Café's Area of Operation to mark the boundaries. Additional markers may be placed at other points along the boundary of the Area of Operation.

These markers will provide the operators of the Sidewalk Café an indication of the extent of the Area of Operations; it is the Permittee or the Responsible Party's responsibility to ensure that all Sidewalk Café operations, furniture, and other obstructions remain within this zone.

What types of furniture can I place in the Area of Operation?

In addition to tables and chairs or other seating, a Sidewalk Café Permit allows the placement of furniture and other items within the Area of Operation that are pertinent to the operation of the Sidewalk Café. This includes items such as umbrellas, planters, and bussing carts. All items are subject to approval by the City Engineer.

Do I ever need to remove my furniture?

Storage of materials on the sidewalk is prohibited. For a Sidewalk Café this means that you need to remove all furniture and any other obstructions that are permitted by your Sidewalk Café Permit within ten days when not in use. "Not in use" means that your Sidewalk Café is not being used by you or your customers.

You may leave your Sidewalk Café furniture within your Area of Operation overnight or on days that your business is regularly closed.

Am I allowed to secure my furniture?

Furniture is allowed to be secured within the area of operation. Furniture may only be secured to structures that are controlled by the Sidewalk Café operator or, with permission, by the owner of the property adjacent to the Sidewalk Café.

It is preferred that furniture be secured in a fashion that allows quick removal of the furniture, such as with a cable and lock. Secured furniture still must be removed within ten days when not in use.

What if I want to adjust my Area of Operation after my Sidewalk Café Permit is issued?

If you increase the size of your Area of Operation, you will be charged \$6.00 per linear foot added. For each added linear foot your annual permit fee will be increased by \$1.50, effective the next permit year.

If you decrease the size of your Area of Operation, you will be charged \$4.50 per linear foot removed. For each removed linear foot your annual permit fee will be decreased by \$1.50, effective the next permit year.

What if I want to change who the Permittee is?

The permit is personal to the Permittee to whom it was issued and cannot be transferred to others. Any new Permittee must apply for a new Sidewalk Café Permit.

What if I am a new owner of a business that previously had a Sidewalk Café Permit and would like to have one issued?

If you are a new owner of a business that previously had a Sidewalk Café Permit and would like to have one issued, you will need to apply for a Sidewalk Café Permit; the permit is personal to the Permittee to whom it was issued and can not be transferred to others.

If the Sidewalk Café markers have been removed from the Area of Operation or you want to adjust the size of the Area of Operation, the application and permitting process will be identical to that for any other new Sidewalk Café.

If the Sidewalk Café markers have not been removed from the Area of Operation and you do not want to adjust the size of the Area of Operation, your application fee will only be the base fee of \$150.00; you will not need to pay the additional \$4.50 per linear foot. All other aspects of the application and permitting process will be identical to that for any other new Sidewalk Café.

Is there any thing else I should consider?

Your Sidewalk Café must accommodate for customers who are on the sidewalk and waiting or in line for your business. The location and configuration of your Area of Operations can not be such that it encourages waiting or in line customers to obstruct the Clear Pedestrian Zone. You may be required to provide a location for waiting or in line customers that is on private property or that is incorporated into your Area of Operations.

All food must be prepared within your building; cooking and preparation of food within the sidewalk area is prohibited.

Is there any thing else I should consider? (continued)

Before purchasing your Sidewalk Café furniture, consider the accessibility of your furniture and design to those with disabilities, wheelchairs, or mobility devices.

The State of Oregon's Smokefree Workplace Law prohibits smoking within 10 feet of entrances, exits, windows that open, and ventilation intakes of workplaces or public places. This applies to both your building and any neighboring buildings. For more information contact the State of Oregon Department of Human Services at 971-673-0984.

A-Board signs are not permitted under a Sidewalk Café Permit and can not be placed within the Clear Pedestrian Zone. These signs require a separate permit that can be obtained from the Bureau of Development Services Trade Permits group. They can be contacted at 503-823-7363.

The sale of alcohol in the State of Oregon requires that your business have a Liquor License. If you wish to sell alcohol to customers to be consumed when using your Sidewalk Café, you will need to apply for an Extension of Premises for your Liquor License. The Oregon Liquor Control Commission can be contacted at 503-872-5070.

How do I apply for a Sidewalk Café Permit and what should I do first?

Before you apply for a Sidewalk Café Permit, review all of the information in this packet. Look at the area that you plan to use and assess if it will meet the requirements of the Sidewalk Café program. Make a plan for how you intend to use the area.

All of the materials that you need to start your application are included as the following pages of this packet. Begin with the next page, "Sidewalk Café Permit Application Instructions and Checklist".

Feel free to contact the Sidewalk Café Permit Program (contact information on cover) if you would like to verify the width of the sidewalk adjacent to your business, discuss your plans, or have any questions.

SIDEWALK CAFÉ

Permit Application Instructions and Checklist

Preparation

These instructions and the incorporated checklist follow the general Sidewalk Café Permit process from application to the issuance of your permit. Before beginning the application process, read the entire "Sidewalk Café Permit Information and Application" packet and familiarize yourself with all of the forms included in it. If you have any questions before you begin, call 503-823-7002 option 5.

Step One – Submit a Complete Application

- Complete the "Sidewalk Café Application" form
- Complete the "Sidewalk Café Responsible Party Agreement" form
- Complete the "Sidewalk Café Property Owner Consent" form
- Complete the "Sidewalk Café Concept Drawing" form
- Obtain an insurance certificate, including endorsement, that meets the requirements stated on the "Insurance Requirements for Street and Sidewalk Use Permits" form
- Ensure all forms are complete and submit with \$50 application fee payment by check made payable to the "City of Portland" to:

City of Portland
Bureau of Transportation
Sidewalk Café
1120 SW Fifth Avenue Room 800
Portland OR 97204

Step Two – Site Visit

- You will be contacted by City staff within one week of receiving your completed application to schedule a site visit. You or a representative must attend this site visit. If your application remains incomplete 30 days after your initial submission, it will be returned to you.
- During your site visit, you will discuss your Sidewalk Café concept with City staff and define your Area of Operation; City staff will temporarily mark the boundaries and provide an estimate of your annual permit fee and the remainder of your application fee.
- Purchase your Sidewalk Café furniture and ensure it fits entirely within your Area of Operation when set up as if it were being actively used for dining. **You are not permitted to leave your furniture on the sidewalk.**
- Contact City staff to schedule an inspection of your Sidewalk Café.

Step Three – Sidewalk Café Inspection and Fee Payment

- City staff will meet you or your representative for an inspection of your Sidewalk Café. Have your Sidewalk Café furniture set up within your Area of Operation and be ready to pay the balance of your annual fee by check.
- City Staff will permanently mark the boundaries of your Area of Operation and take a final measurement of the linear footage of your Sidewalk Café. This measurement will be used to establish your annual permit fee and the remainder of your application fee.
- Choose a payment option for your application fee and pay the balance of your annual fee.
- City staff will issue a temporary permit. You may begin operating your Sidewalk Café.

Step Four – Receive your Permit

- You will receive a welcome packet and your permit by mail. Review this material.
- Post your permit in a conspicuous location that is visible from the sidewalk and near your main entrance. Post the "Your Responsibilities" poster in a conspicuous location accessible by the business's employees.

1/1/2010



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Phone 503-823-7002 option 5 • Fax 503-279-3968



SIDEWALK CAFÉ

New Application

Applicant Information – Name and Contact Information for Applicant

Applicant Name (person): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Business Information – Name and Location of Business that will Use Permit

Business Name: _____

Business Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Sidewalk Café Location Details

Name of street or streets on which Sidewalk Café will be located:

Street: _____

Street: _____

Certification and Hold Harmless Agreement

I certify that the information contained in this application and any other materials submitted in the course of my application for a Sidewalk Café Permit is true to the best of my knowledge.

I shall hold the City of Portland, its officers, agents and employees, and the adjacent property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

Applicant Signature: _____ Date: _____

Complete Application Checklist

The following materials must be submitted to complete your application:

- Sidewalk Café Application (this form)
- \$50 application fee payment; check made payable to the "City of Portland"
- Sidewalk Café Responsible Party Agreement
- Sidewalk Café Property Owner Consent
- Sidewalk Café Concept Drawing
- Current certificate of insurance and endorsement

1/1/2010



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SIDEWALK CAFÉ

Responsible Party Agreement

I, _____, _____
name of individual applying for a Sidewalk Café Permit

understand that a condition of the granting of my Sidewalk Café Permit is that I abide by this agreement. Failure to do so may result in the revocation of my Sidewalk Café Permit.

I understand that I am ultimately responsible for all violations of any City, County, and State code or regulation that result from the operation of my Sidewalk Café. I will familiarize myself with any applicable code and will take immediate action to ensure that any violations are corrected.

I understand that any violations that result from the operation of my Sidewalk Café are potentially citable offenses and that the citation may be issued to whomever is overseeing operation of the business at the time, even if that person is someone other than me.

I will ensure that an employee of the business using my Sidewalk Café Permit is, at any time that my Sidewalk Café is operating, overseeing the operation of the Sidewalk Cafe and taking immediate action to ensure that any violations are corrected. I will familiarize any employee who is overseeing business operations or the operation of the Sidewalk Cafe with any applicable code or regulation and inform them of their responsibilities and personal liability.

I will post in a conspicuous location, accessible by all employees of the business using my Sidewalk Café Permit, the poster "Your Responsibilities for a City of Portland Sidewalk Café Permit". This poster will be displayed at all times and, if damaged or otherwise made unreadable, will be immediately replaced.

If ownership of the property to which my Sidewalk Café is adjacent changes I will submit an updated *Sidewalk Café Property Owner Consent* form to the Sidewalk Café program.

If a pavement marker delineating my Sidewalk Café Area of Operation is tampered with, damaged, moved, missing, or in any other way interfered with, the Portland Bureau of Transportation will be immediately contacted and the replacement or repair of the pavement marker will be requested.

If a pavement marker delineating my Sidewalk Café Area of Operation is willfully tampered with, damaged, moved, missing, or in any other way interfered with by an employee of the business using my Sidewalk Café Permit or myself, my Sidewalk Café Permit will be immediately revoked.

Applicant Signature: _____ Date: _____

1/1/2010



SIDEWALK CAFÉ

Property Owner Consent

I, _____, _____
name of property owner

authorize _____
name of person applying for Sidewalk Cafe Permit

to operate a Sidewalk Cafe adjacent to my property located at the address _____

This consent shall run concurrent with the Sidewalk Cafe Permit. If at any time the permit expires or is revoked, this consent shall be void.

The operator of the Sidewalk Cafe is required to comply with all applicable sections of City, County, and State code. Failure to do so may cause the permit for said location to be revoked.

I understand this consent may be revoked in writing with the revocation to become final on December 31st of the same calendar year. Any revocation received on December 1st through December 31st shall become effective thirty (30) days after receipt. Written revocation must be submitted to:

City of Portland
Bureau of Transportation
Sidewalk Café
1120 SW Fifth Avenue Room 800
Portland OR 97204

The café owner agrees to hold the property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

The property owner is ultimately liable for any damage resulting from the condition of the sidewalk or any obstructions placed thereon and is responsible for reconstructing, maintaining and repairing the sidewalks, curbs, driveways and parking strips abutting or immediately adjacent to their property (Portland City Code 17.28.020).

Property Owner Signature: _____ Date: _____

Signatory Name (print): _____

Company: _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

1/1/2010



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SIDEWALK CAFÉ

Concept Drawing

In the space below, provide a drawing of your Sidewalk Café concept.

Include the entire sidewalk area adjacent to your business, showing all features and obstructions on the sidewalk and street names. Indicate the area(s) that you plan to use as your Area of Operation and the distance between your Area of Operation and any sidewalk features or obstructions within 10 feet.

This drawing will allow City staff to familiarize themselves with your concept before scheduling a site visit.



1/1/2010

INSURANCE REQUIREMENTS FOR STREET AND SIDEWALK USE PERMITS CITY OF PORTLAND - BUREAU OF TRANSPORTATION - STREET SYSTEMS MANAGEMENT

This information will assist you and your insurance agent in complying with City insurance requirements for Street and Sidewalk Use permits.

The City of Portland Requires

- A Standard Certificate of Liability Insurance, with the City of Portland named as the Certificate Holder.
 - **Certificate Holder Address:** City of Portland
Street Systems Management
1120 SW 5th Avenue, Room 825
Portland OR 97204

AND

- An endorsement, on file with the certificate, naming the City of Portland as an additional insured. List the endorsement used in the "DESCRIPTION OF OPERATIONS..." section of the certificate. The following endorsements are acceptable:
 - City of Portland Street and Sidewalk Use Permit Endorsement**OR**
 - CG 20 12 07 98; "Additional Insured - State or Political Subdivisions – Permits"**OR**
 - An endorsement equivalent to the CG 20 12 07 98 endorsement

Minimum Requirements for Liability Insurance

The insurance shall provide coverage not less than \$1,000,000 (one million dollars) per occurrence.

Regulations

The insurance certificate is intended to protect the public from any liability it may incur as a result of granting the requested permit.

Notification of Cancellation

The City of Portland requires 30 (thirty) days notice mailed from the insurance company prior to cancellation of the policy.

In the "DESCRIPTION OF OPERATIONS..." section of the certificate

- Indicate the type of permit being applied for (Street/Lane/Sidewalk Closure, Street Opening, Sewer Connection, Banner, Sidewalk Café, Vending Cart, Community Event, Block Party).
- If the insured seeks a permit for a set location/address or group of set locations/addresses that are different than the Insured's address on the certificate then the location(s) must be listed.
- If the insured continuously seeks permits for changing locations then do not list the permitted location/address, if you do we will require a new certificate for every new location. In this situation you may choose to indicate "All Operations".

Submission

Fax: 503-823-4554
Mail: Please mail to the Certificate Holder Address above
E-Mail: ssmi&b@pdxtrans.org

THE CERTIFICATE AND ENDORSEMENT MUST BE APPROVED BY THE CITY ATTORNEY BEFORE A PERMIT CAN BE ISSUED. PLEASE ALLOW 6 BUSINESS DAYS FOR PROCESSING.

Questions

If you or your agent have any further questions, please call Street Systems Management at 503-823-7142 or send e-mail to ssmi&b@pdxtrans.org

