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## 694-2023

Report

### Accept Outdoor Dining Program Design Guidelines Report

Accepted

#### REPORT TO COUNCIL

**DATE:** August 7, 2023

**TO:** Commissioner Mingus Mapps

**FROM:** Sarah Figliozi, Supervising Planner, Public Realm and Street Activation

David McEldowney, Division Manager Right of Way Management and Permitting

**SUBJECT:** Establishment of a Permanent Outdoor Dining Program

The presentation of a summary report on the establishment of a permanent Outdoor Dining Program is scheduled for August 23, 2023, at 9:45 a.m.

The purpose of this report is to provide Council members with an overview of a proposed Outdoor Dining Program and Design Guidelines that will allow the continued installation and operations of Sidewalk Café Seating and in-street dining installation, i.e. Street Seats. Permits under the proposed permanent program would begin in January 2024.

Presenters will include Sarah Figliozi, PBOT Supervising Planner of the Public Realm and Street Activation Section and David McEldowney, Division Manager Right of Way Management and Permitting.

We appreciate the opportunity to share with you the proposed Outdoor Dining Program structure and Design Guidelines, along with a discussion of a proposed fee structure and financial support tools, which will return to City Council via ordinance for vote later in September.

#### Introduced by

[Commissioner Mingus Mapps](#)

#### Bureau

[Transportation](#)

#### Contact

**Sarah Figliozi**

PBOT Active Transportation & Safety Division

✉ [sarah.figliozi@portlandoregon.gov](mailto:sarah.figliozi@portlandoregon.gov)

📞 [503-823-0805](tel:503-823-0805)

#### Requested Agenda Type

Time Certain

#### Date and Time Information

##### Requested Council Date

August 23, 2023


##### Requested Start Time


9:45 am

##### Time Requested

1 hour

## Documents and Exhibits

 [Report](https://www.portland.gov/sites/default/files/council-documents/2023/council-docs-outdoor-dining-program-report-design-guidelines_2023-08-17.pdf) (https://www.portland.gov/sites/default/files/council-documents/2023/council-docs-outdoor-dining-program-report-design-guidelines\_2023-08-17.pdf) 12.69 MB

 [Memo to Council](https://www.portland.gov/sites/default/files/council-documents/2023/cover-memo-report-to-council-odp.docx) (https://www.portland.gov/sites/default/files/council-documents/2023/cover-memo-report-to-council-odp.docx) 109.91 KB

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this report is to provide Council members with an overview of the proposed permanent Outdoor Dining Program (formerly Healthy Business Permits). The Outdoor Dining Program will provide rules for the use of sidewalk and curb zone for outdoor seating. The report and accompanying guidelines provide information on the following:

- Proposed design guidelines to guide the construction of future installations and modification of existing installations.
- Operations and maintenance requirements for permit holders.
- Summary of public and business engagement.
- General education and enforcement strategies to bring existing permit holders into compliance.

### Financial and Budgetary Impacts

- The design guideline report does not create a financial impact. Proposed fees and financial support packages will come before City Council as an ordinance in September.

### Community Impacts and Community Involvement

- This program will support business and community activity along Portland's commercial corridors as it relates to restaurant outdoor seating.
- The community has been engaged from January through May 2023 via a series of community surveys, business interviews, communications to past and current permit holders, meetings with restaurant leaders, webinars, and presentations to business organizations.

### 100% Renewable Goal

- This program does not impact City's energy consumption choices.

## Agenda Items

694 Time Certain in [August 23, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/8/23)  
(<https://www.portland.gov/council/agenda/2023/8/23>)

Accepted

Motion to accept the report: Moved by Mapps and seconded by Ryan.

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea



Portland Bureau of Transportation

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# Outdoor Dining Program

City Council Report

August 2023

**alta**





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## List of Exhibits

Exhibit A: Design Guidelines

Exhibit B: Summary of Engagement Efforts



## Introduction

In 2023, the Portland Bureau of Transportation (PBOT) began the process of developing the Outdoor Dining Program to serve as a permanent replacement for the previous Street Seats pilot that began in 2012 and was then followed by the pandemic-relief Healthy Businesses Program. The Outdoor Dining Program is intended to provide clear, informative, consistent guidance for permit holders so the City can allow eligible businesses to continue to operate outdoors, as well as benefit business owners by allowing them to continue the privilege of using the public right-of-way, while also ensuring public safety and accessibility.

## Outdoor Dining Program Goals

The goals of the Outdoor Dining Program are a continuation of those established in previous programs, including PBOT's Livable Streets Strategy (2017). Specifically, the Outdoor Dining Program aims to:

- **Generate local business activity:** Opening up the public right-of-way to increased commercial activity may empower existing local business and spur new businesses to take hold, especially minority-owned businesses, women-owned businesses, and emerging small businesses.
- **Develop space for community gathering:** Providing seating in the public right-of-way may result in additional spaces for community gathering.
- **Promote healthy and active lifestyles:** Additional commercial activity in the public right-of-way may encourage residents and visitors to travel by foot or by bicycle to businesses rather than by personal vehicle. The human scale and ease to which people can access businesses located in the public right-of-way may give active modes an advantage.
- **Build community identity:** An increase of small businesses in the public right-of-way may engender a sense of community identity in Portland's neighborhoods as new businesses cater to needs of the local communities.
- **Reimagine the potential for city streets:** As community members see more businesses using the public right-of-way, it may change the enduring perception that roadways are only for vehicular throughput.



- **Activate underutilized space:** Much of Portland’s public space is currently underutilized as places to store or move vehicles. The Outdoor Dining Program and other similar programs make use of this space and give it back to the community.

## Design Guideline Objectives

To support the previously mentioned Outdoor Dining Program goals, the project team developed four specific objectives to guide the development of the Outdoor Dining Program Design Guidelines:

- **Safety:** The guidelines are designed to prevent street safety hazards, including ensuring installations do not obstruct the visibility of people walking or block the path of travel through the pedestrian through zone.
- **Accessibility:** The guidelines are designed to be accessible for all, including those with disabilities, and include guidance on accessible seating and ramps for Street Seats with platforms.
- **Business support:** The guidelines are intended to support businesses to continue to use the public right-of-way by providing clear and easy-to-follow guidance for installations.
- **Neighborhood vitality:** Street seats have become a fixture in Portland, and the guidelines are designed to maintain these vital neighborhood assets into the future.

## Design Guidelines

### See Exhibit A: Design Guidelines.

The *Outdoor Dining Program Design Guidelines* are intended to provide restaurant and bar owners with a user-friendly point of reference, covering the permit types and eligibility, application process, operations and maintenance responsibilities, and design guidelines.

The guidelines ensure that outdoor dining installations allow access for people with disabilities and emergency response, improve visibility at intersections, provide space for public transit operations and loading zones, and prevent street safety hazards. By following these design guidelines, current and future permit holders can confirm compliance of their outdoor seating in the right-of-way and have clarity about permitted and non-permitted uses. To further assist businesses, a design guideline-compliant set of construction drawings will be available to applicants.

## Recommendations for Permanent Program

Through the original pilot program and subsequent Healthy Businesses program, PBOT has adapted to evolving conditions and seen many different use cases in the public right-of-way, allowing for reflection on the program and its purpose.

In light of this experience, as well as feedback received from stakeholder engagement efforts, PBOT is recommending the permanent Outdoor Dining Program focus on four permit types: Sidewalk Cafés, Seasonal Street Seats, Street Seats with Platforms, and Street Seats with Platforms and Roofs.

The following list details key areas of consideration, highlighting PBOT's new and specific guidance for permit holders in each of these areas (for complete details, see Exhibit A):

- **Siting**
  - **Considerations:** Placement of seating areas must preserve pedestrian access, visibility of traffic control, sight lines of pedestrian crossings, and accommodation of truck turning movements.

- **Recommendations:**
  - In areas approaching stop signs and uncontrolled crossings, only low-height (uncovered) installations are allowed. Installations with roofs are allowed elsewhere.
  - No tents, roofs or other free-standing structures are permitted on the sidewalk. Any item attached to the building shall comply with awning permits under the Bureau of Development Services
- **Patio Platform**
  - **Considerations:** Platforms enhance street seating with protection from stormwater and easy access from sidewalks.
  - **Recommendations:**
    - Annual permit requires construction of an accessible platform.
    - No platform is required for seasonal permit holders when paired with comparable accessible seating.
    - Where the vertical separation between the platform deck and sidewalk is more than 1/2 inch, at least one ramp is required for access.
    - Nearby storm drains and gutter lines must be cleared of leaves and debris to prevent pools of water at permitted areas.
- **Walls/Fencing**
  - **Considerations:** Walls and fences provide physical comfort for patrons but may impact visibility of pedestrians, storefronts, and traffic control.
  - **Recommendations:**
    - Low-height (36 to 42 inches) fencing required on all street seating.
    - No fences/walls above 42 inches are allowed.
- **Wall Coverings**
  - **Considerations:** Like walls and fencing, wall coverings offer protection from the elements but may block views of pedestrians, storefronts, and traffic control.
  - **Recommendations:**
    - Fully transparent wall coverings are allowed.
    - Coverings must be maintained in transparent conditions, clean and clear of graffiti.
- **Roofs**
  - **Recommendations:**
    - Roofs are only allowed for Street Seat installations.

- The top of roofs must be 8 feet minimum above road grade and 10 feet maximum above sidewalk grade, except posts or attachment points needed to support lights or cords crossing the sidewalk.
- **Applicability**
  - **Considerations:** The Outdoor Dining Program cannot handle the traffic control challenges of street and travel lane closures.
  - **Recommendations:**
    - Outdoor dining will be restricted to parking lanes and sidewalks.
- **Seasonality**
  - **Considerations:** The peak outdoor dining season is during the summer months. Overhead structures and heating can extend the appeal of outdoor dining. Offering a range of permit types to accommodate different business needs provides businesses with more flexibility and options to serve their customers at different fee levels.
  - **Recommendations:**
    - An annual Street Seat Permit is available for businesses desiring robust installations with platforms or overhead structures.
    - A seasonal Street Seat Permit is available for light-weight, quick-build, street-level installations.
- **Use and Operations Requirements**
  - **Considerations:** PBOT prioritizes the use of public rights-of-way to support customer activity and bring life to the streets. To maintain safe, clean, and inviting Sidewalk Cafés and Street Seats, permit holders are responsible for following certain requirements for the use and operations of certain items within their installations.
  - **Recommendations:**
    - No storage of garbage, propane, or supplies is permitted.
    - No locked spaces are permitted.
- **Responsibilities and Maintenance Requirements**
  - **Considerations:** Permit holders must keep their Sidewalk Cafés and Street Seats well maintained and in good repair to ensure safety, accessibility, and cleanliness of these spaces.
  - **Recommendations:**
    - Damaged or graffitied signs, devices, and installations must be cleaned or replaced.



- The area surrounding Street Seats or Sidewalk Cafés must be kept clear of leaves, litter, and other debris.

## Engagement Summary

### See Exhibit B: Summary of Engagement Efforts.

During 2022 and spring 2023, PBOT worked to inform and engage stakeholders and to get their feedback on the design of the guidelines. The project team created a Technical Advisory Committee (TAC) to provide input on the technical aspects of the design guidance, and they established a Sounding Board to enable input on outdoor dining as it relates to the upcoming PBOT Street Plazas Program development.

Engagement efforts included presentations, conversations, interviews, and surveys:

- **Presentations and Outreach**

- Portland Design Commission and Landmarks Commission (January 2023)
- Pedestrian Advocacy Committee presentation (January 2023)
- Portland Business Association/Oregon Restaurant & Lodging Association (February 2023)
- Venture Portland Board presentation (February 2023)
- Venture Portland webinar (March 2023)
- Hacienda Community Development Corp. briefing (March 2023)
- Design Commission presentation (March 2023)
- Historic Landmarks Commission presentation (April 2023)
- Listening session with members of Portland Business Alliance (PBA) - PBOT Outdoor Dining /Healthy Business (April 2023)
- Oregon Restaurant & Lodging Association's Portland Kitchen Cabinet Meeting (April 2023)

- **Stakeholder Engagement**

- Business Interviews (January/February 2023)
- Early Engagement Survey (January 2023)
- BIPOC-Owned Business Survey (March 2023)
- Community & Business Survey (April 2023)

## What We Heard

Throughout these engagement efforts, PBOT heard overall appreciation for the Healthy Businesses program and enthusiasm for continuing a permanent outdoor dining program. Participants have appreciated the value of the use of the public right-of-way, especially when indoor capacity restrictions were in effect during the COVID-19 pandemic.

In respect to their experience with the program and suggestions for the future of the program, community members and business owners expressed the following key concerns and feedback:

- Many installations are difficult to see around or through given their size and lack of transparency, particularly at corners.
- Sidewalks are narrowed to an inaccessible width due to outdoor dining, specifically posts from tent poles, structures that enclose the sidewalk, too much furniture and other items such as carts and A-board signs.
- There is a desire for clearer communication channels with PBOT, including clarity on timelines, permanence of the program, and design guidance or pre-approved designs.
- Aesthetics and durability matter in material selection, especially in terms of graffiti removal from structures, and there is a desire for assistance with maintenance, especially leaf removal and road debris cleanup.
- The program should consider seasonality and low demand in winter, with potential interest in a seasonal program expressed.
- Participants have concerns about high fees and whether it would be financially viable for them to continue participation in the program if fees were significantly raised.
- Enclosing structures is an important element for year-round installations, and the option to enclose diners should remain.
- Some businesses have concerns about bringing existing structures in line with new requirements and would like to be grandfathered in when the updated program launches.
- There is an interest from many BIPOC business owners in assistance for the following:
  - Purchasing materials
  - Designing the outdoor dining structure

- Designing and installing heating/lighting/other electrical
- Modifying an existing structure to comply with new guidelines

## How We Incorporated Feedback

Feedback received through engagement efforts directly informed the decisions going into the design guidelines, fee structure, and compliance strategy, as well as the design of an assistance program for business owners funded by an American Rescue Plan grant.

PBOT made the following amendments to the design guidelines, fees, and compliance process as a result of the public engagement phase:

- Adding enclosures and roofs back into the proposal after hearing about their strong value for year-round installations but requiring transparency to address visibility concerns.
- Establishing clear setback rules approaching stop signs and non-signalized intersections to address safety concerns.
- Creating clear design guidelines that prevent blockage of stormwater and debris accumulation.
- Removing a 40-foot length limit to allow businesses to use the full extent of their frontages, with property owner approval.
- Creating a time-based exemption to allow locked installations during the duration of the Emergency Declaration to Expedite Post-Pandemic By Coordinating Efforts to Clean Public Spaces.
- Designing an exemption process to assist legacy installations that are not in compliance but don't pose a safety risk.
- Subsidizing a portion of the application and permit fees in the first year (2024 permit cycle) to assist small businesses as they continue to recover from the COVID-19 pandemic.
- Designing a financial assistance program to meet the needs of both new and legacy installations.

## Program Administration

To ensure a successful transition to a long-term, sustainable program, the project team identified the two primary program administration areas in need of new and specific guidance. The following list details PBOT's considerations in each area and highlights PBOT's recommendations:

- **Fees**
  - **Considerations:** The program operated with no fees in 2020, 2021, and most of 2022. For a 15-month permit cycle launched in 2022, PBOT charged an annual \$150 application fee plus a \$500 parking space fee for all installations.
  - **Recommendation:** Fees are required to sustain the program. A proposed fee schedule will be brought to City Council in September 2023. This proposal will include a partial subsidy supported through pandemic relief funding.
- **Permit Compliance**
  - **Considerations:** PBOT has been flexible during the COVID-19 pandemic to be supportive of meeting businesses' needs, but the permitting process must be updated to reflect visibility risks that have safety implications, accessibility needs, livability considerations, increasing demands on the parking lane, available resources, and staff capacity.
  - **Recommendation:** All installations must be permitted for the safety and protection of partners, customers, and the City of Portland. PBOT is developing a program to help businesses meet new guidelines, including how existing installations can be brought into compliance with new guidelines (see Participation and Compliance Strategies for more information).

## Participation and Compliance Strategies

PBOT has developed a participation and compliance transition strategy for the Outdoor Dining Program to allow the program to succeed with broad, diverse participation now and in the future. Portland's residents, visitors, and businesses rely on a safe and functioning right-of-way.



To support the success of both new and legacy installations, incentivize program participation, and maintain the integrity of the program, PBOT will communicate with current and prospective permit holders with a clear description of rules, a timeline for compliance, and program resources. The approach is described below:

Messaging will focus on three primary groups: (1) prospective participants, (2) participants without a permit (both known and unknown), and (3) current permit holders. PBOT will communicate with these groups according to the following sequence of communication:

August 15 to October 16 (opening of application window):

- **Notify** permit holders and prospective participants in advance of requirement adoption via targeted communication and newsletters.
- **Educate** permit holders and prospective participants of new requirements after adoption.
- **Communicate** the process of transitioning to new requirements in a way that is easy to understand, accounts for a wide variety of situations, and clearly states available resources and consequences of inaction/noncompliance.
- **Notify** permit holders and prospective participants of financial support program and application process.

Ongoing throughout 2024 permit cycle:

- **Promote** during program and remind permit holders of observed compliance issues.
- **Apply** the new requirements consistently and in accordance with the stated process.

### **Compliance + Enforcement**

The Portland in the Streets staff will oversee a compliance approach that puts the emphasis on program benefits for permit holders. Enforcement will be handled by a new Compliance team currently being formed under the Utility Permitting Section.

A workflow between the two sections is currently being developed that will clearly lay out the steps and processes should a business fall out of compliance. This approach will be built on existing code and will be brought to City Council in the form of new administrative rules.

## Financial Implications/Fee Structure

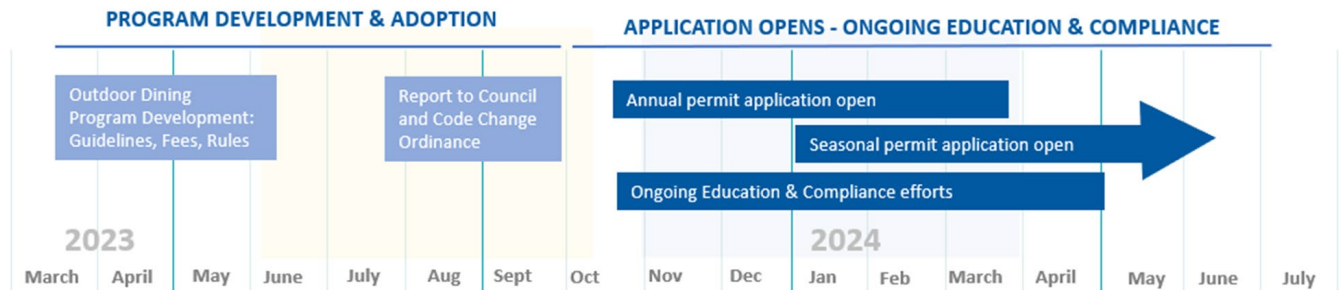
Staff will continue to refine the fee structure and present it for adoption by ordinance/ resolution to City Council in September 2023.

## Timeline

Upon City Council acceptance of the *PBOT Outdoor Dining Program Design Guidelines* and related exhibits, PBOT’s next steps to advance the Outdoor Dining Program are as follows:

- Continued outreach and education to stakeholders and public (summer and fall 2023)
- Code change and fee structure adoptions in summer 2023
- Permit application opens October 16, 2023
- Permit cycle starts January 2024 (until December 31, 2024)

The following graphic depicts the overall program timeline:





# Exhibit A: Design Guidelines





# Outdoor Dining Program

## DESIGN GUIDELINES

AUGUST 15, 2023



# Welcome to the Outdoor Dining Program



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# Introduction



**Portland is known for its vibrant dining scene, and our local restaurants and bars provide important economic, cultural, and community assets for our city.** To support the local restaurant industry, the Portland Bureau of Transportation (PBOT) has developed the Outdoor Dining Program and these Design Guidelines to allow Portland's restaurant and bar owners to continue to use the public right-of-way to expand their dining space through Sidewalk Cafés and Street Seats. This program is intended to bring clear and consistent guidance to the use of outdoor dining furnishings and structures in the right-of-way.

## History of Outdoor Dining in Portland

Portland was one of the first cities to pilot on-street dining. In 2020, when the COVID-19 pandemic brought new challenges to our city, PBOT expanded the popular outdoor café seating pilot program into a city-wide program that issued over 800 permits for things like fast stops, queuing, and sidewalk and street use permits. These Healthy Businesses Permits helped restaurants retain jobs and earn much-needed revenue during a time of crisis.

## Future of Outdoor Dining in Portland

In 2023, PBOT began the process of transitioning to a long-term, sustainable program based on the lessons learned from the initial pilot and pandemic-response programs. Having identified a need for clear, informative, consistent guidance for permit holders, PBOT has produced these Outdoor Dining Program guidelines.

## About the Guidelines

These guidelines ensure that all outdoor dining installations allow access for people with disabilities and emergency response, provide space for public transit operations and loading zones, and prevent street safety hazards. All installations permitted through the Outdoor Dining Program must meet ADA guidelines for accessibility. This program recognizes the importance of serving people with disabilities so that everyone in our community can benefit from these enhancements and seating options. By following these clear Design Guidelines, current and future permit holders can easily confirm compliance of their right-of-way outdoor seating and have clarity about permitted and non-permitted uses.

## Other Uses

This program is also open to retail or nonprofit applicants. For more information, contact [outdoordiningpdx@portlandoregon.gov](mailto:outdoordiningpdx@portlandoregon.gov).

If you have questions about these guidelines, you can visit [Frequently Asked Questions](#) or contact [outdoordiningpdx@portlandoregon.gov](mailto:outdoordiningpdx@portlandoregon.gov).

# Permit Types

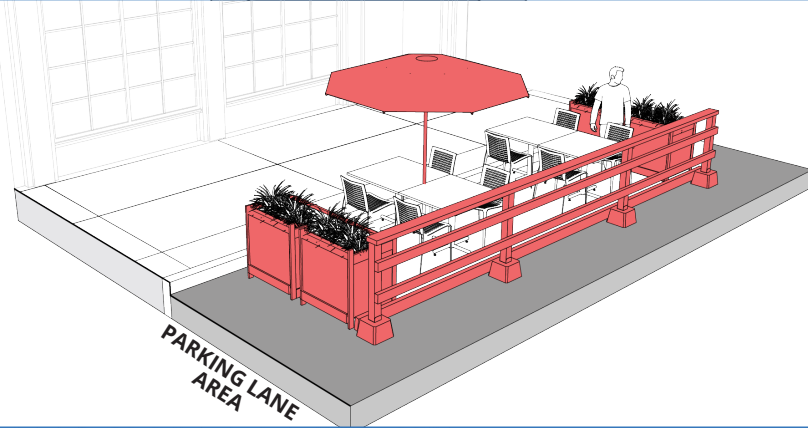
Universal Guidelines apply to both Sidewalk Café and Street Seat. See Universal Guidelines on [page 9](#).



## Sidewalk Café Permits are for the sidewalk area only

See [page 4](#) for permit eligibility guidance and [page 14](#) for specific Sidewalk Café Design Guidelines.

The Sidewalk Café Permit allows permit holder to place furnishings within the sidewalk area adjacent to a business or organization. Sidewalks must be 8 feet wide or wider to qualify for a Sidewalk Café Permit.

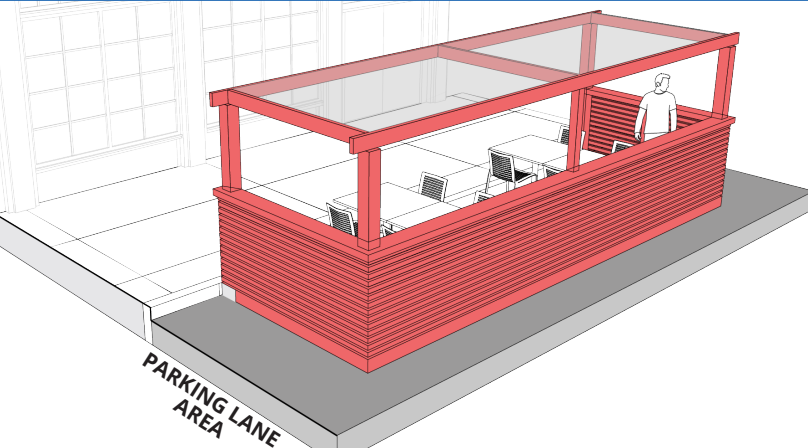


## Seasonal Street Seat Permits are for the parking lane area only

See [page 4](#) for permit eligibility guidance and [page 16](#) for specific Street Seat Design Guidelines.

The Seasonal Street Seat Permit allows the permit holder to place furnishings in parking spaces. This permit does not require a platform, and furnishings must be fully removed when not in season. Season dates are May 1 through October 31.

Street Seat installations may provide their accessible seating option on the sidewalk if they also have a Sidewalk Café Permit.



## Street Seat with Platform and Street Seat with Platform and Roof Permits are for the parking lane area only

See [page 4](#) for permit eligibility guidance and [page 16](#) for specific Street Seat Design Guidelines.

These year-round permits allow the permit holder to place furnishings and, in some cases, temporary structures in parking spaces.

# Permit Eligibility

## Am I eligible for a Sidewalk Café Permit?

My sidewalk is <b>less than</b> 8 feet wide	No, you are not eligible. Consider a Street Seat Permit.
My sidewalk is <b>at least</b> 8 feet wide	Yes, you are eligible.

## Am I eligible for a Street Seat Permit?

My site is in a travel lane		<b>No, you are not eligible.</b>	
My site is in a bike lane			
My site is in a transit stop			
My site is in a parking lane and			parking is prohibited at certain times of day
			is reserved for disabled/wheelchair permits
	is a truck loading zone		
	is a passenger or hotel loading zone		
My site is in a parking lane and	is a <i>Fast Stop</i> or 15-minute parking zone	<b>Contact PBOT staff at <a href="mailto:outdoordiningpdx@portlandoregon.gov">outdoordiningpdx@portlandoregon.gov</a> for more information specific to your location.</b>	
	is an emergency zone		
	the curb is painted yellow		
	the speed limit is 30mph or higher		
My site is within 50 feet of an intersection	<b>Check intersection setback requirements on page 17 to confirm eligibility.</b>		
My site is in a parking lane and does not have any of the special conditions listed on this page	<b>Yes, you are eligible.</b>		

# Application Checklist

After you submit an application, a team member will get in touch with you to complete the permitting process. PBOT will support applicants as much as possible to make sure they meet the permit requirements.

This is what applying for an Outdoor Dining Permit looks like:

## 1 Submit your application materials and pay your application fee.

Applicants must pay the application fee before the permit application will be reviewed. A permit technician will contact you for payment and you can pay online or in person.

**Please do not send us a check.** In addition to filling out an application form, you will need to include in your application packet:

- a. Proof of insurance
- b. A property owner and/or neighbor consent form (Street Seat with Platform Permits only)
- c. A site plan and photos
- d. Detailed design drawings that are compliant with design guidelines and clearances. Additional information on how to prepare your documents is available on project website here: [future website link](#)

## 2 Be available for an inspection.

An in-person inspection of the proposed site will occur where we will determine your dining options and fees. You are not required to attend the site visit.

## 3 Receive and review your application and site visit summary.

We will reach out with a summary and outdoor dining options.

## 4 Pay your permit fee and complete the Rescue Plan reporting form.

After all other steps are completed, a team member will contact you for the final steps:

- a. **Pay your permit fee**, following the steps we send you. You will be able to pay online or in person. We do not accept mailed-in payments.
- b. **Complete the Rescue Plan reporting form.** The City of Portland is required to request demographic information from recipients of Rescue Plan-funded programs, services, and assistance for federal reporting on our use of these funds. In addition, we may use this information to help ensure that our services reach a broad cross section of the community. Your responses will be stored separately from your permit application and will not be used to evaluate your application.

## 5 Receive your permit.

A copy of the permit must be clearly displayed and seen from the sidewalk.

## Application Materials Checklist

For more information on fees and application materials, you can visit: [future website link](#).

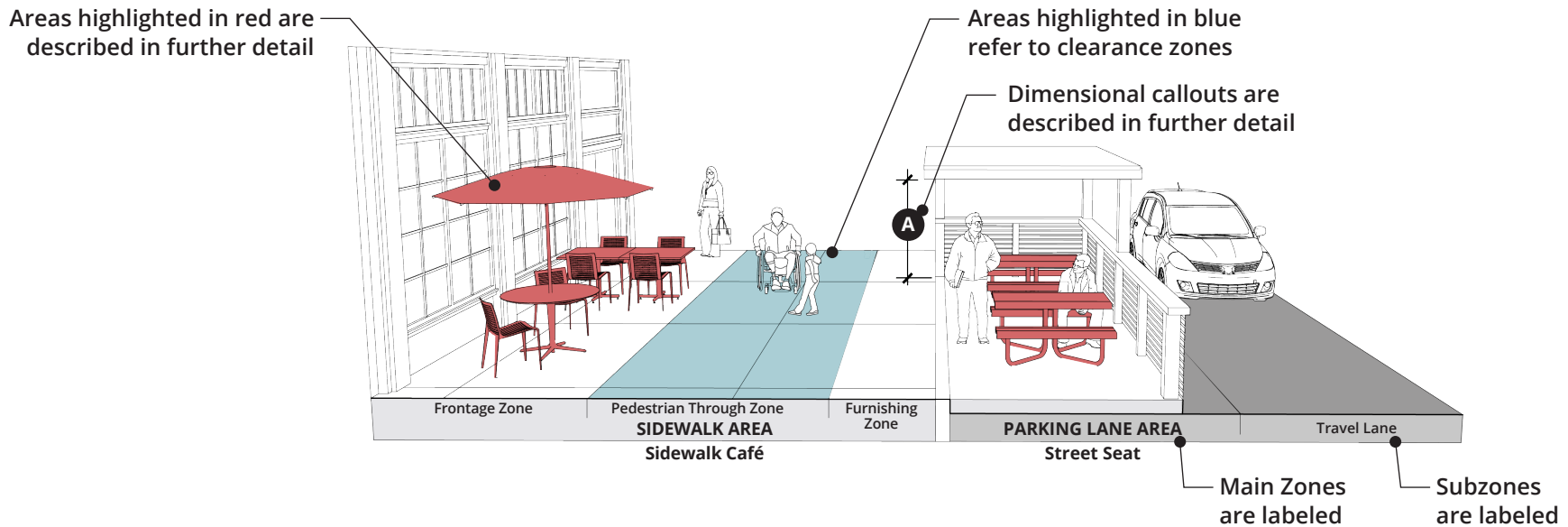
- Design plans
- Detailed design drawings
- Site plan and photos
- Application fee payment
- Insurance documents
- Property owner consent form (if applicable)
- Neighbor consent form (if applicable)
- Rescue Plan reporting form
- Permit fee payment

# Using the Design Guidelines

## PBOT Outdoor Dining Program Design Principles

Accessible for all   Design for maintenance   Quality materials and finishes   Easily removed

Throughout the Design Guidelines, diagrams illustrate requirements and recommendations to obtain a Sidewalk Café or Street Seat Permit.



### ✓ Required

Conditions required for a permit are listed under the "Required" headline.

### Optional Features and Recommendations

Conditions recommended for a permit or optional features are listed under this headline.

Glossary terms are underlined in dots and definitions can be found in Appendix A.

*Reference items are underlined, set in italics* and direct to a different page within the Design Guidelines document or reference another source for more information. Such as See Appendix B for relevant permit links.



# Use and Operations

To maintain safe, clean, and inviting Sidewalk Cafés and Street Seats, Outdoor Dining Program permit holders are responsible for following these use and operations guidelines:



## Outdoor dining areas must be removable

Street Seats must be designed and installed in a way that allows easy removal if needed. In case of emergency, installations must be able to be removed within 48 hours.



## Smoking may be prohibited

Per Oregon's Indoor Clean Air Act (ICAA), smoking is prohibited in enclosed areas that are open to the public, this includes Street Seats with roofs and wall coverings. For more details, see Appendix B.



## Amplified music may be prohibited

A noise variance permit by the Portland Noise Program are generally required for amplified music. For more details, see Appendix B.



## Propane heating may be prohibited

Propane heating use is controlled via permit by the Fire Bureau. Clearance and storage issues may preclude use in permitted areas. Refer to Portland Fire & Rescue Portable Propane Device Permit for more information. For more details, see Appendix B.



## No garbage storage



## No locked spaces



## No advertising or logos



## No outdoor cooking



## No loose particles, such as sand or loose stone



## No tents or canopies

No freestanding tents or canopies allowed on the sidewalk or in the street



## No motor vehicles or food trucks within permitted Street Seat areas



## No bolting or anchoring to the street or sidewalk



## Signs and city infrastructure are to be left as currently installed and cannot be obstructed, modified, adhered to, or moved

Unless prior approval has been given by PBOT, you must not obstruct, move, or alter PBOT signs, parking meters, or other City of Portland infrastructure. All signs must be visible from the street.

Permit holder may request relocation of some city infrastructure (such as bike racks, Biketown stations, non-regulatory signs, etc.). PBOT may grant relocation on a case-by-case basis at the expense of the permit holder.



# Responsibilities and Maintenance

Outdoor Dining Program permit holders are responsible for keeping their Sidewalk Cafés and Street Seats well maintained and in good repair to ensure safety, accessibility, and cleanliness of these spaces. Permit holders must follow these maintenance procedures:



## Post your permit

A copy of the permit must be posted in a window on the ground floor and facing the street.



## Remove graffiti

Damaged or graffitied signs, devices, and installations must be cleaned or replaced.



## Obtain neighbor approval (if applicable)

Neighbor approval required for installations extending 5 feet or more in front of an adjacent business.



## Clean debris, leaves, and litter

You must keep the area surrounding your space clear of debris, leaves, and litter. This area is defined as 10 feet on either end of a Street Seat area and the entire width of the sidewalk for a Sidewalk Café. In the Street Seat area, you must rinse out and clean debris, leaves, and litter from the area around and under the platform at least once a week. If needed, you are responsible for all vector/pest control.



## Maintain insurance

Insurance must be kept in full force, in effect, and on file with the city at all times the Sidewalk Café or Street Seat Permit is valid. Review the most current insurance requirements and standards. *For more details, see Appendix B.*



## Clear storm drains

For Street Seat Permits, nearby storm drains and gutter line must be cleared of leaves and debris to prevent pools of water at permitted areas. As street sweeping and leaf pickup is difficult around the platforms, permit holders are responsible for storm drain clearance and retaining access to adjacent Green Street facilities.

## Permit Conditions

### Renewal

All permits are for temporary use of public space and must be renewed or removed by the permit expiration date.

### Removal

You may be required to temporarily or permanently remove or relocate installations for maintenance and construction activities, including emergency and utility work. In an after-hours emergency, installations may need to be moved by the City of Portland. While reasonable efforts will be made to contact you and avoid damage to the installation, the City of Portland is not responsible for any damages incurred due to the moving.

You are required to keep your space well maintained and in good repair. Permits may be revoked for failure to maintain the space.

You are responsible for removing all items, including structures, when any of the following occur:

- The permit expires.
- You wish to end participation in the program.
- The permit is revoked.

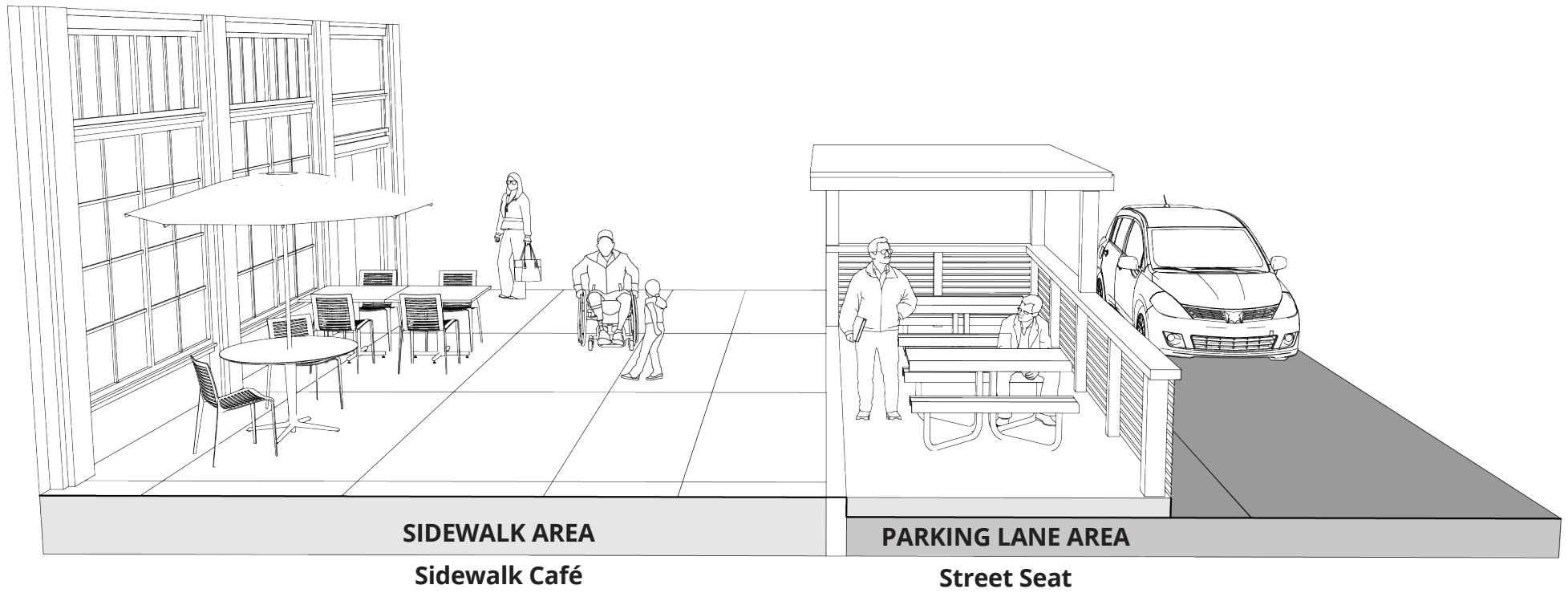
You must notify PBOT if you are vacating the permitted area before your permit expires.

### Permits are not transferable

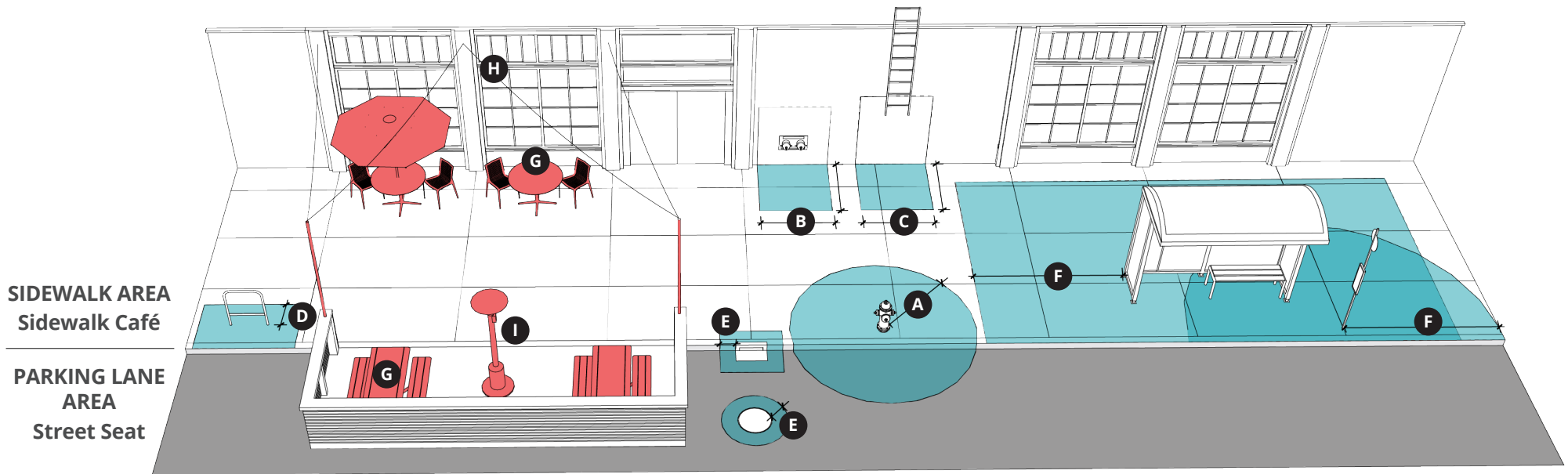
If your business changes ownership, you must remove your installation and notify PBOT, or the new owner must submit a new permit application within 10 business days.

# Universal Guidelines

Universal Guidelines apply to both Sidewalk Café and Street Seat areas.



# Universal Guidelines



## ☑ Required

- A Hydrants** 6 foot clearance
- B Fire department connections** 5 foot clearance
- C Fire escapes** 5 foot x 5 foot clearance
- D Bike racks** 2 foot clearance around any part of bike rack

- E Utility access points**  
1 foot clearance to any underground or surface utility or stormwater facility access point, including utility poles, gas valves, manhole covers, waste-water systems, cisterns, vaults, and catch basins.

- F Transit**  
10 foot buffer from all bus, MAX, or streetcar stop furnishings, including shelters, signs, benches, and art.

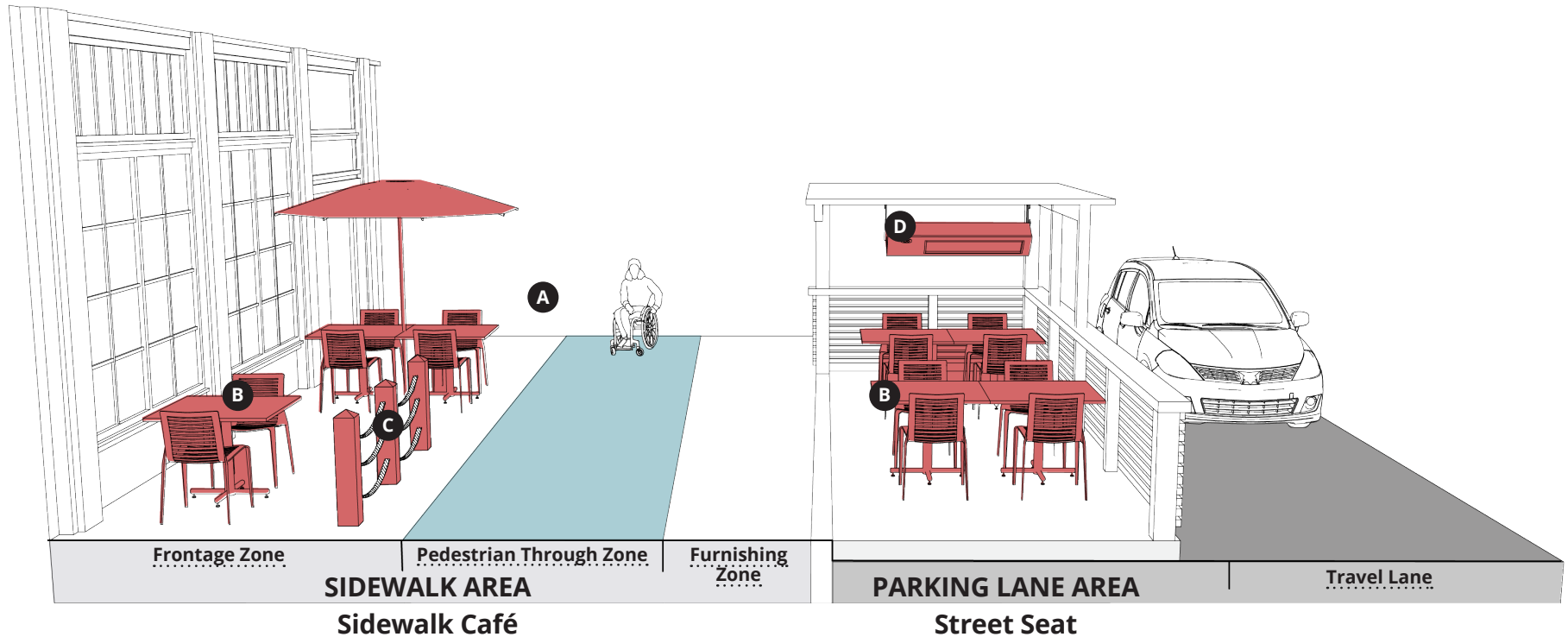
## Optional Features and Recommendations

- G Furnishings**  
If providing furnishings, such as umbrellas, benches, tables, and chairs, see requirements on [page 11](#).
- H Lighting and electrical**  
If providing, see requirements on [page 12](#).
- I Heating**  
If providing, see requirements on [page 11](#).

### Roofs

Only permitted in Street Seat installations, see [page 22](#).

# Universal Guidelines Furnishings and Heating



## Furnishings

### A Umbrellas

Umbrellas must be weighted and not be adhered, attached, or anchored to the street or sidewalk. If umbrellas extend into the **Pedestrian Through Zone**, they must be 7 feet minimum above the sidewalk surface.

### B Seating

*See accessible seating guidelines on page 13.*

### C Rope barriers

Are allowed within **permitted area**, but may not be bolted to the sidewalk. They do not substitute for walls where required.

## Heating

All heaters must comply with all manufacturer use and clearance requirements.

### D Electric heaters

Must have an automatic shut-off that engages if the heater tips over.

## Propane heaters

Propane heating requires separate approval via Portland Fire & Rescue. *For more details, see Appendix B.* Use of propane heaters may be prohibited in some spaces. Propane heaters are prohibited in **installations** with roofs.

## Propane storage

Propane storage is absolutely prohibited in any area of the public sidewalk or street, regardless of permit. Per Portland Fire & Rescue, on-site storage of propane (Liquefied Petroleum Gas) is also prohibited indoors.

# Universal Guidelines Lighting and Electrical

## Lighting choices

Lighting is allowed but must not be distracting to people driving. Blinking lights and lights similar to traffic signals are prohibited.

### **A** Hanging string lights

Must hang minimum 10 feet above the sidewalk.

### **B** Electrical cord attachments

All electrical cords must be easily detachable at the face of the building. Cords must not be attached to any other non-outdoor dining infrastructure.

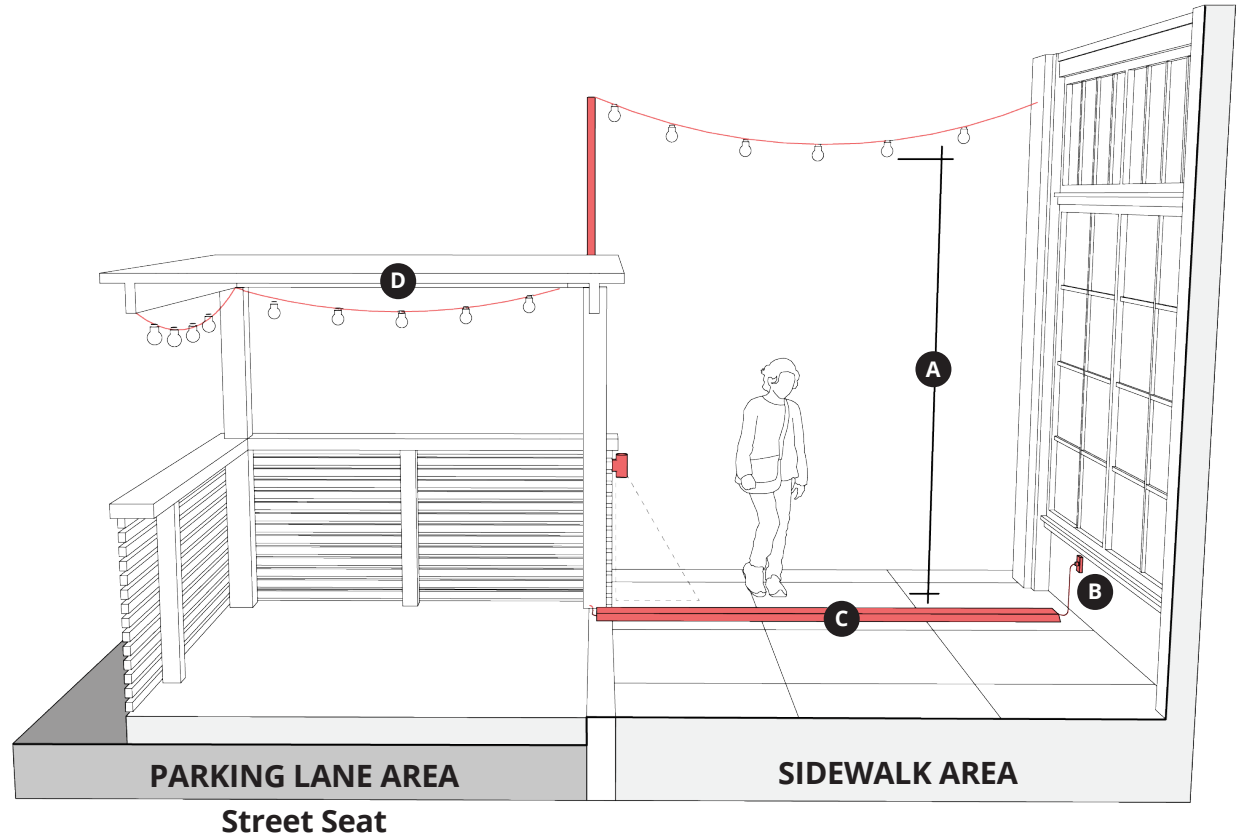
### **C** Ground cord ramps

ADA compliant cord protector ramps required for cords running across the sidewalk.

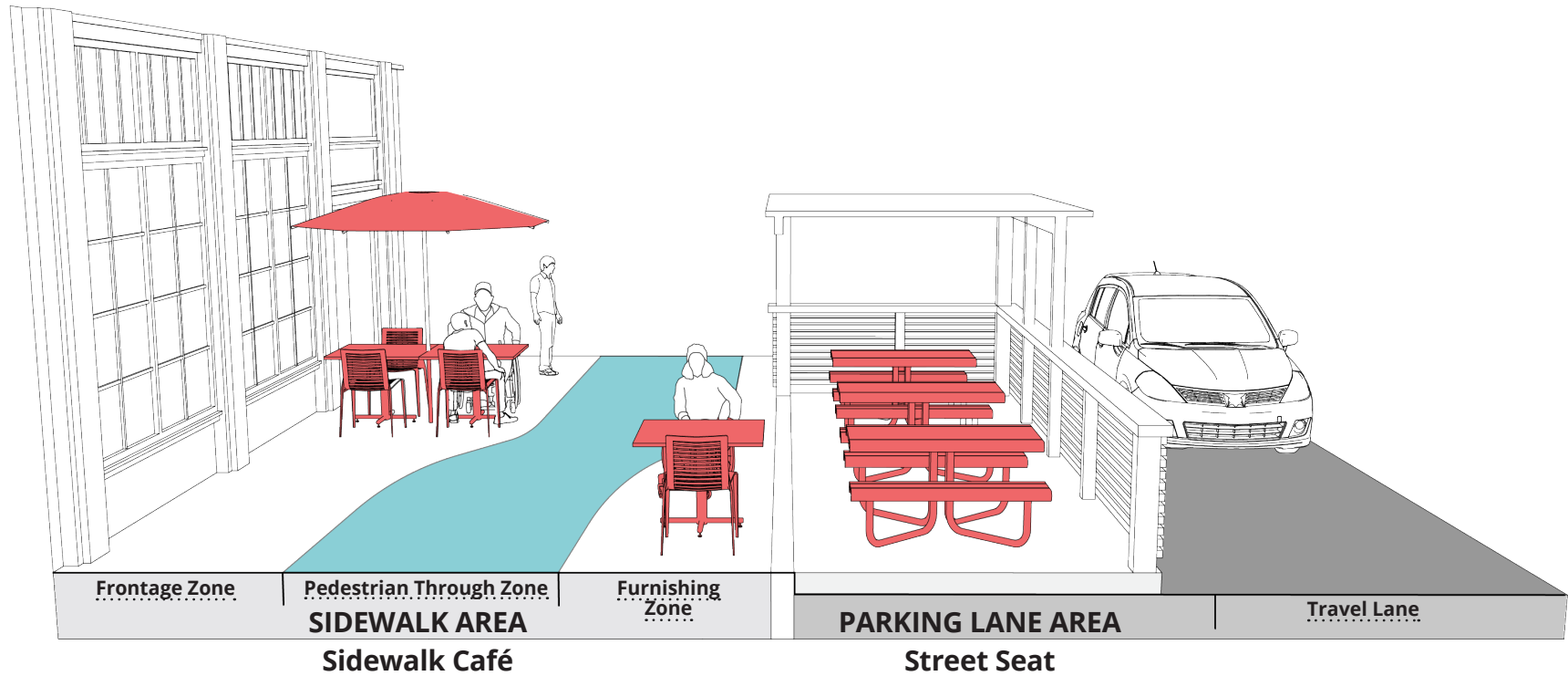
### **D** Additional safety lighting

If roofs are observed to reduce visibility for pedestrians, additional lighting may be required.

Permanent electrical installations may be pursued through an electrical permit with the Bureau of Development Services.



# Universal Guidelines ADA Compliant Seating



## Seating

If providing tables, Federal law requires that at least one table or 5% of seating must accommodate people using mobility devices. Picnic tables with fixed benches are typically not accessible.

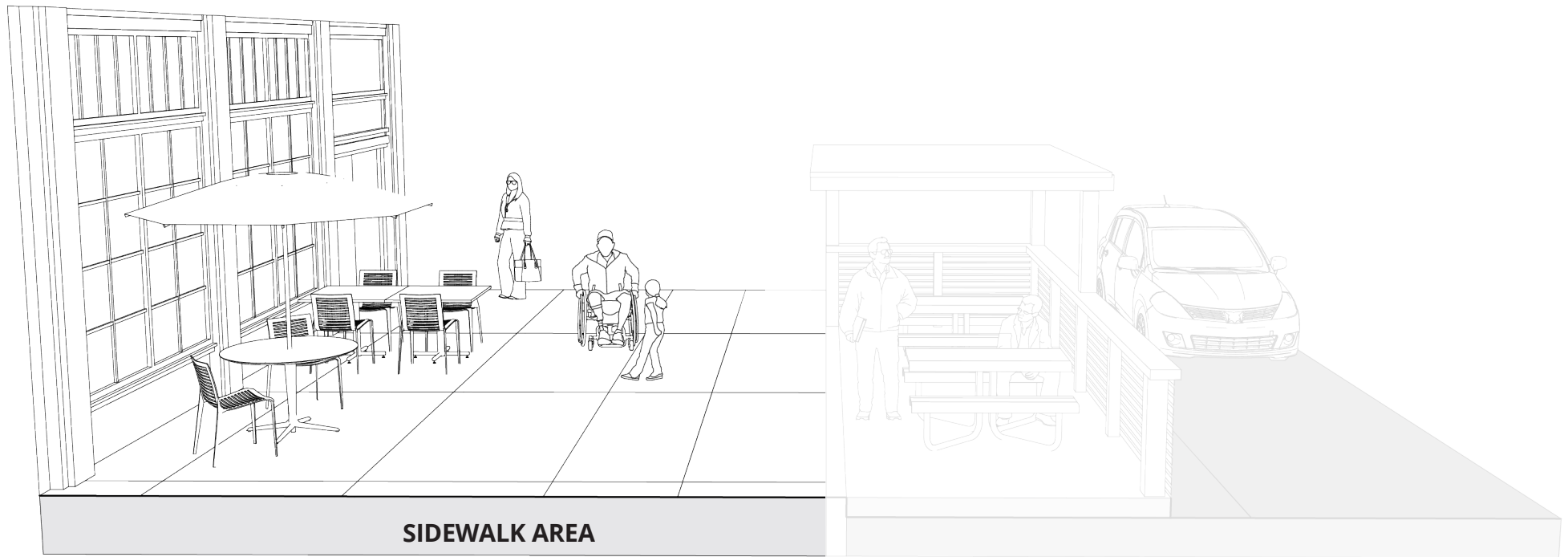
Refer to ADA Title III addressing Public Accommodations and Commercial Facilities for more details on rules and regulations.

Seasonal Street Seat installations may provide their ADA compliant seating option on the sidewalk if they also have a Sidewalk Café Permit. Availability of this seating should be prioritized for people with disabilities.

# Sidewalk Café Guidelines

Sidewalk Café Permits are for the sidewalk area only.

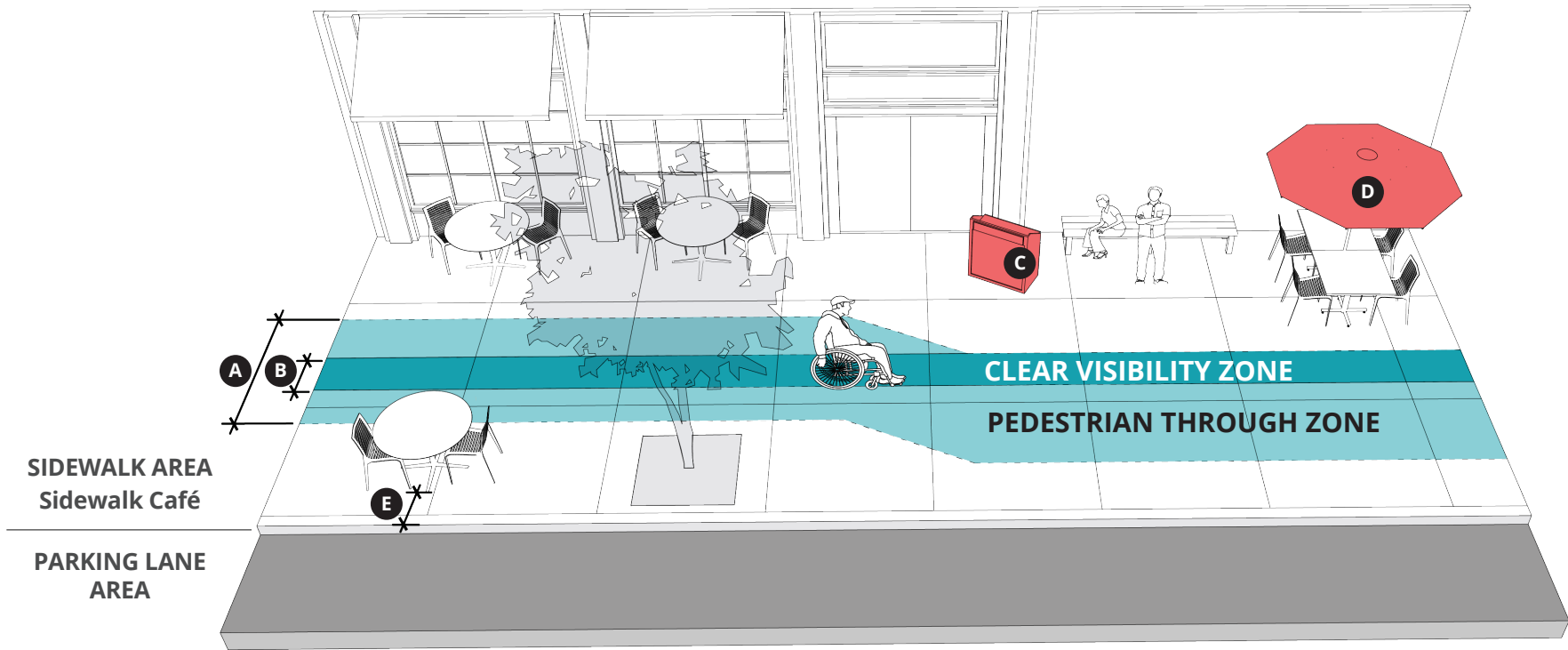
Sidewalk Café permittees must meet the Universal Guidelines, see page 10, and the guidelines in this chapter.



**SIDEWALK AREA**

**Sidewalk Café**

# Sidewalk Café Guidelines



Required

## **A Pedestrian Through Zone**

Minimum width of the Pedestrian Through Zone varies with sidewalk width:

- 8 to 10 feet wide sidewalk must have minimum 5 1/2 feet wide Pedestrian Through Zone
- Greater than 10 feet to less than 15 feet wide sidewalk must have a minimum 6 feet wide Pedestrian Through Zone
- 15 feet or more sidewalk width must have a minimum 8 feet wide Pedestrian Through Zone

**The Pedestrian Through Zone must be kept clear at all times, and cannot overlap with tree wells, pay stations, landscaped areas, or other sidewalk infrastructure.** Lines of waiting customers, tables, chairs, canopy legs, heaters, A-frame signs, and carts must not obstruct this zone.

## **B Clear visibility zone**

Straight and continuous 2 feet wide clearance required within the Pedestrian Through Zone.

## **C Trays, carts, and bins**

These items must not be kept on the sidewalk outside of operating hours.

## **D Overhead structures**

No tents, canopies, roofs, or other freestanding structures are permitted over the sidewalk. Awnings, attached to the building, are encouraged but must comply with awning permits under the Bureau of Development Services, *see Appendix B. See page 11 for umbrella requirements.*

## **E Curbside seating**

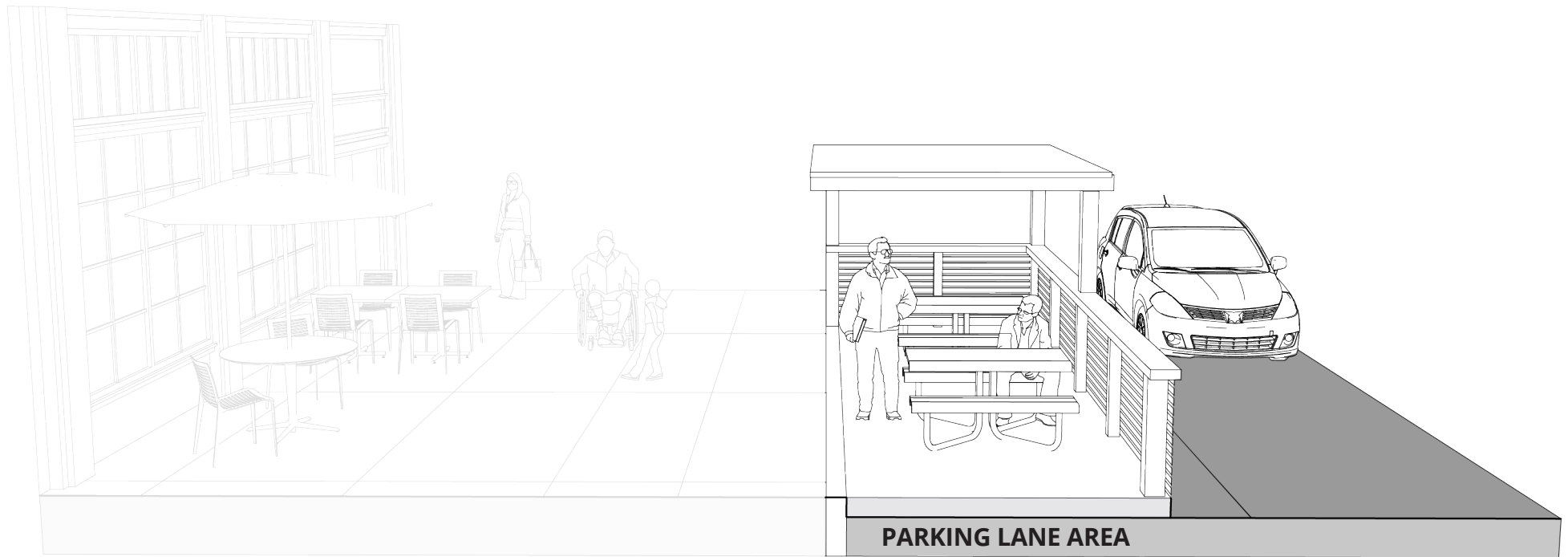
2 feet minimum clearance from curb to furnishings.



# Street Seat Guidelines

Street Seat Permits are for the parking lane area only.

Street Seat permittees must meet the Universal Guidelines, see page 10, and the guidelines in this chapter.



**PARKING LANE AREA**

**Street Seat**

# Street Seat Intersection and Crosswalk Setbacks

For Street Seat Permits, setbacks that represent where seating installations are not allowed may apply and will vary depending on the permit type. Use these guidelines to determine the appropriate intersection and crosswalk setbacks. See the next page for driveway and Green Street facility setbacks.

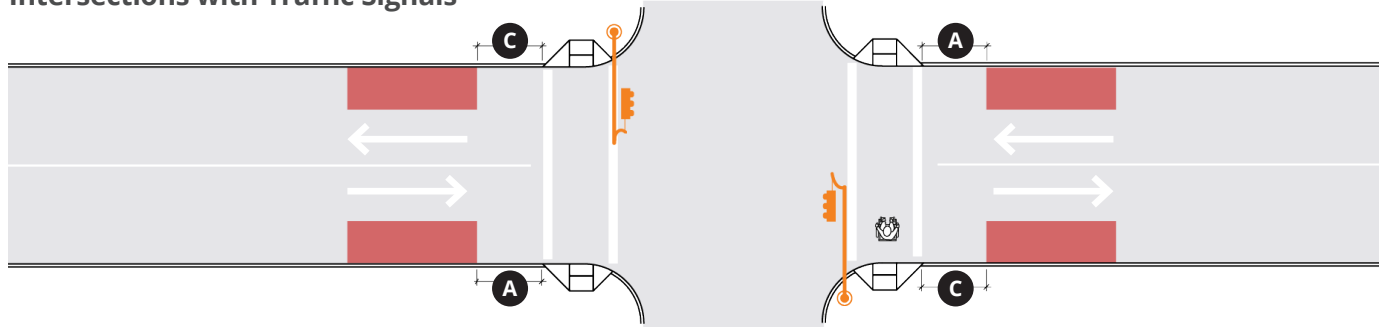
## Setback from crosswalk approaching an intersection

	Traffic Signals	Stop Sign	Uncontrolled Intersection
With Roof	<b>A</b> 10 feet	<b>B</b> 50 feet	<b>B</b> 50 feet
Without Roof	<b>A</b> 10 feet	<b>A</b> 10 feet	<b>A</b> 10 feet

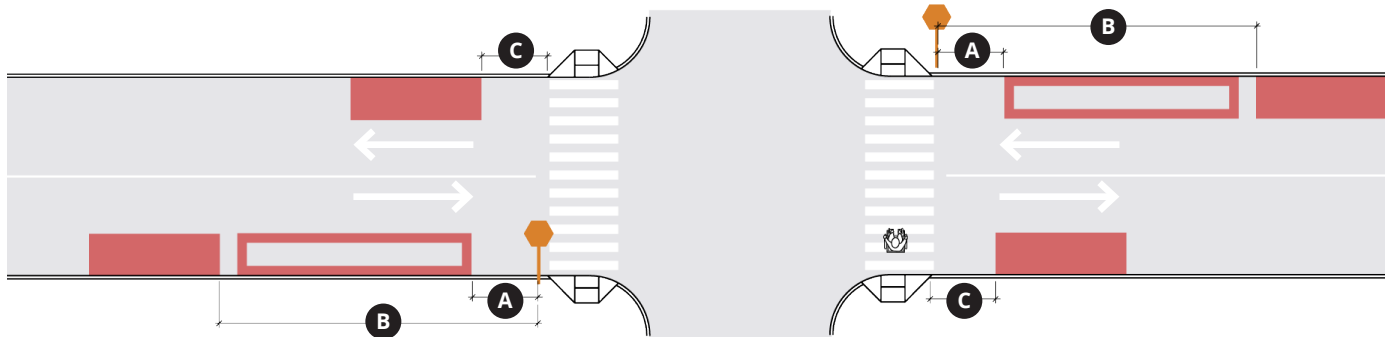
## Setback from crosswalk leaving an intersection

**C** 10 feet minimum setback for all installation types.

### Intersections with Traffic Signals



### Intersections with Stop Signs and Uncontrolled Intersections



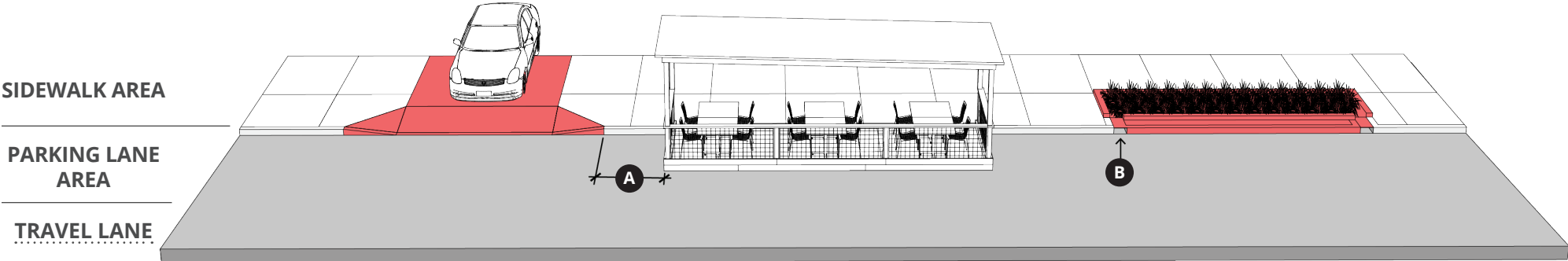
### Street Seat Installation Types

- With or without roof
- Without roof only

#### Notes:

1. A "crosswalk" is anywhere the sidewalk meets the street, whether or not it is marked.
2. Visibility and height restrictions for approaches to non-signalized intersections are mandated by State (ORS 811.550) and City (16.20.130) code. These rules require that no objects or vehicles taller than 6 feet are placed within 50 feet of the intersection.

# Street Seat Driveway and Green Street Setbacks



## Setback from driveways

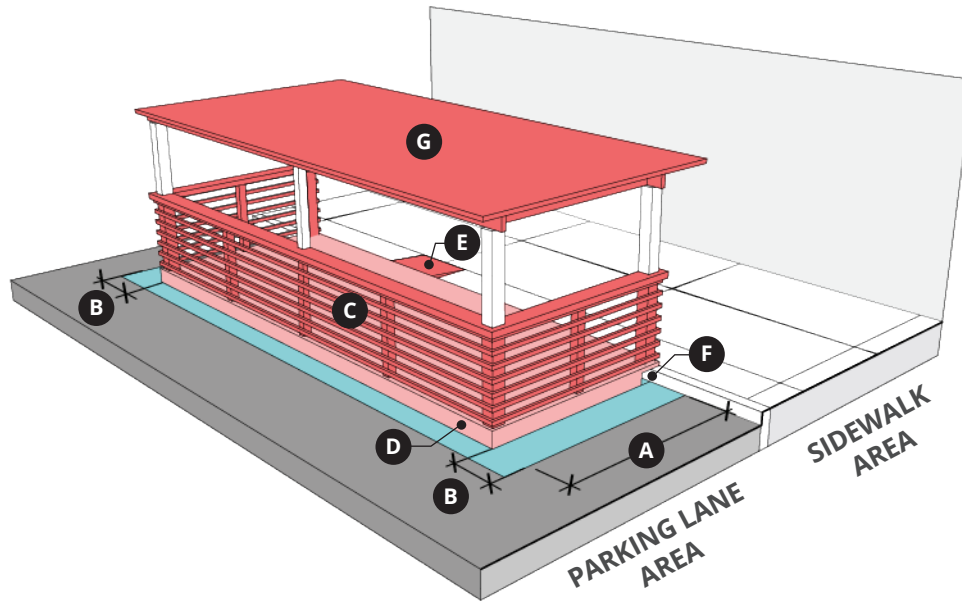
**A** 5 feet minimum setback from driveways and curb cuts on either side.

## Setback from Green Street facilities

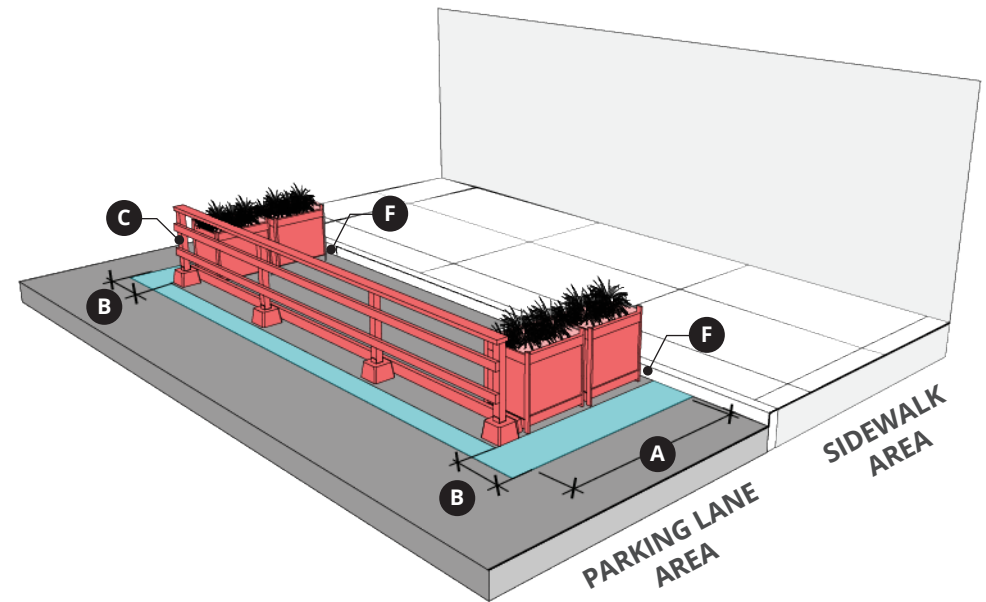
**B** Maintain access to stormwater planter inlets.

# Street Seat Year-Round and Seasonal Guidelines

## Year-Round Installation



## Seasonal Installation



### Required

- A Width**  
7 feet from curb face. Additional 1 foot granted for traffic control devices only (cones, candle stick delineators, wave delineators).
- B Clearance dimensions**  
2 feet clearance at each end of the installation.
- C Walls and fences**  
Required for all Street Seat permits to separate people using a permitted area from vehicular traffic. See requirements on page 21.

- D Platforms**  
Required for year-round installations. **Platforms are not required for seasonal installations.** *If providing, see requirements on page 20.*

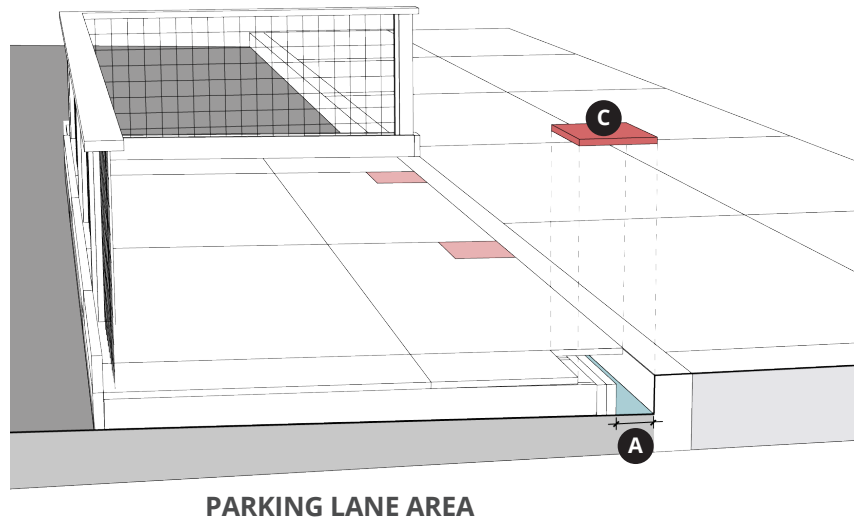
- E Ramps**  
May be required for some platform installations. See requirements and specifications on page 23.

- F Stormwater**  
A clear area 6 inches wide by curb height must be maintained along the curb gutter line for water to flow. No part of the installation may obstruct the flow of water along the gutter.

### Optional Features and Recommendations

- Roofs**
- G** If providing roofs, see requirements on page 22.

# Street Seat Platforms



## Surfacing

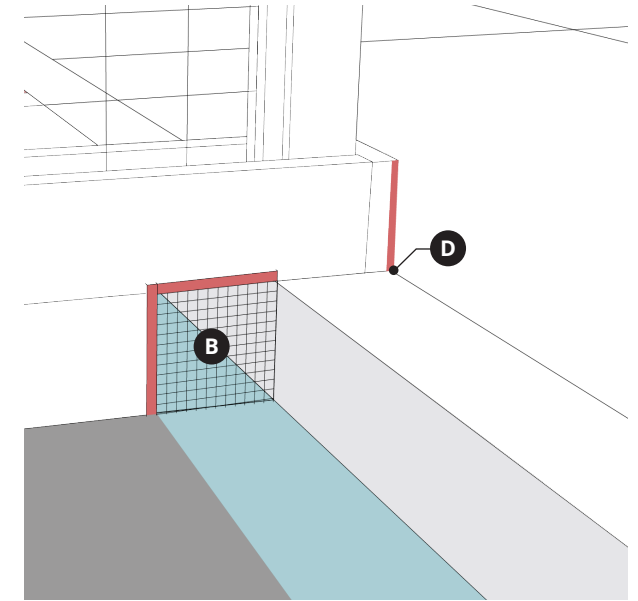
Platform surfacing must be stable, firm, and slip-resistant.

## Stormwater drainage

**A** A clear area 6 inches wide by curb height must be maintained to allow the flow of water along the gutter for the length of the installation.

**B** A wire mesh with  $\frac{1}{2}$  to 1 inch openings must be installed at both ends of the platform to prevent leaves and large debris from washing under the platform, but allowing the flow of water.

**C** Platform surface must be able to be removed for periodic cleanout of the gutter under the platform.



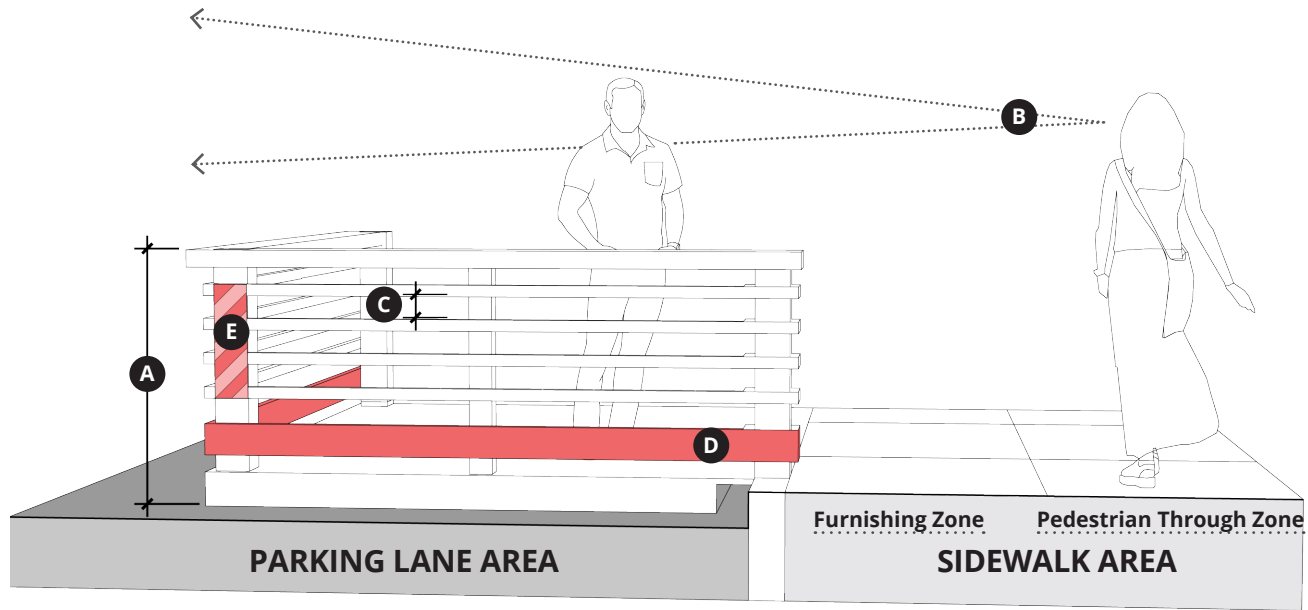
## Platform at curb

Platforms should be flush with the curb and as accessible from the sidewalk as possible with no horizontal gaps greater than  $\frac{1}{2}$  inch and no height difference greater than  $\frac{1}{2}$  inch. Height differences between  $\frac{1}{4}$  inch and  $\frac{1}{2}$  inch shall be beveled with a slope no steeper than 1:2 (50%).

**D** Platform structures may overlap the curb but not extend past the back edge.

If your platform has more than  $\frac{1}{2}$  inch height difference from the sidewalk, provide a ramp. See ramp requirements on page 23.

# Street Seat Walls and Fences



## A Wall height

The top of the wall or fence must be 30 inches high measured from the platform surface and 36 inches high measured from the road surface. Maximum wall heights may not exceed 42 inches high measured from the road surface.

## B Sightlines

Clear sightlines into and through the space must be maintained. When standing on the sidewalk, an adult of average height should be able to see through the installation out into the street.

## C Openings

Any openings between slats, meshes, or other fence materials must be less than 4 inches or greater than 9 inches.

## D Toe-rails

To keep objects from falling off the platform into the street, a toe-rail must be provided along the bottom of the fence or wall. Include a toe-rail with a maximum gap of 2 inches from the floor, and the rail's top edge 6 inches minimum from the floor.

## Overlapping furnishing zone

Installation may project 2 feet into sidewalk furnishing zone. It must not interfere with trees, signs, poles, and other utilities, and it must not project into the Pedestrian Through Zone.

## E Reflective tape

The corners of the installation must be marked with yellow high intensity retro-reflective tape or reflectors. Reflectivity must be a minimum of 12 inches in vertical length and cannot be in the shape of any symbol. Any diagonal stripes on traffic control devices or reflective tape must slope downward at an angle of 45 degrees in the direction people driving or biking are to pass.

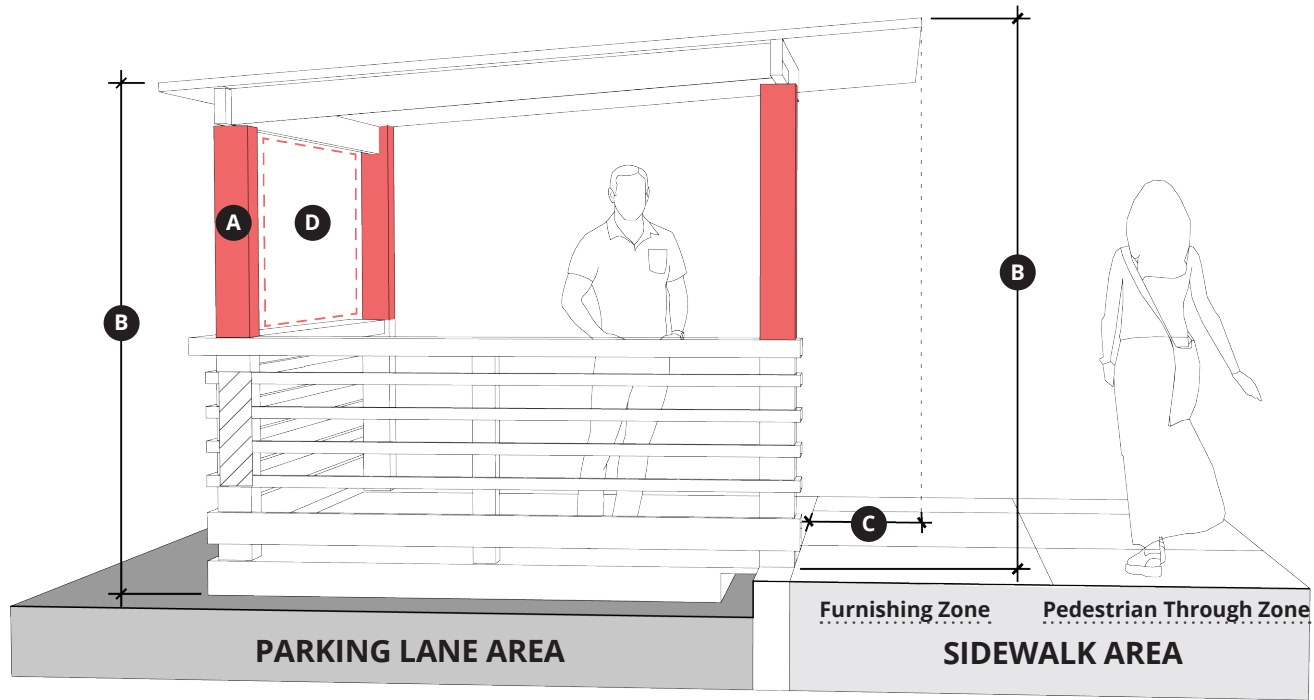


Used when vehicular traffic passes on the left



Used when vehicular traffic passes on the right

# Street Seat Roofs



## **A** Visual obstructions

No fixed objects may obscure the view between the street and the adjacent sidewalk above 42 inches from the surface of the street, except supports for roofs.

## **B** Roof heights

The top of roofs must be 8 feet minimum above road grade and 10 feet maximum above sidewalk grade, except posts or attachment points needed to support lights or cords crossing the sidewalk. Locations with overhead power lines will need to be reviewed for roof placement.

## **C** Overlapping furnishing zone

Installation may project 2 feet into sidewalk furnishing zone. It must not interfere with trees, signs, poles, and other utilities, and it must not project into the Pedestrian Through Zone.

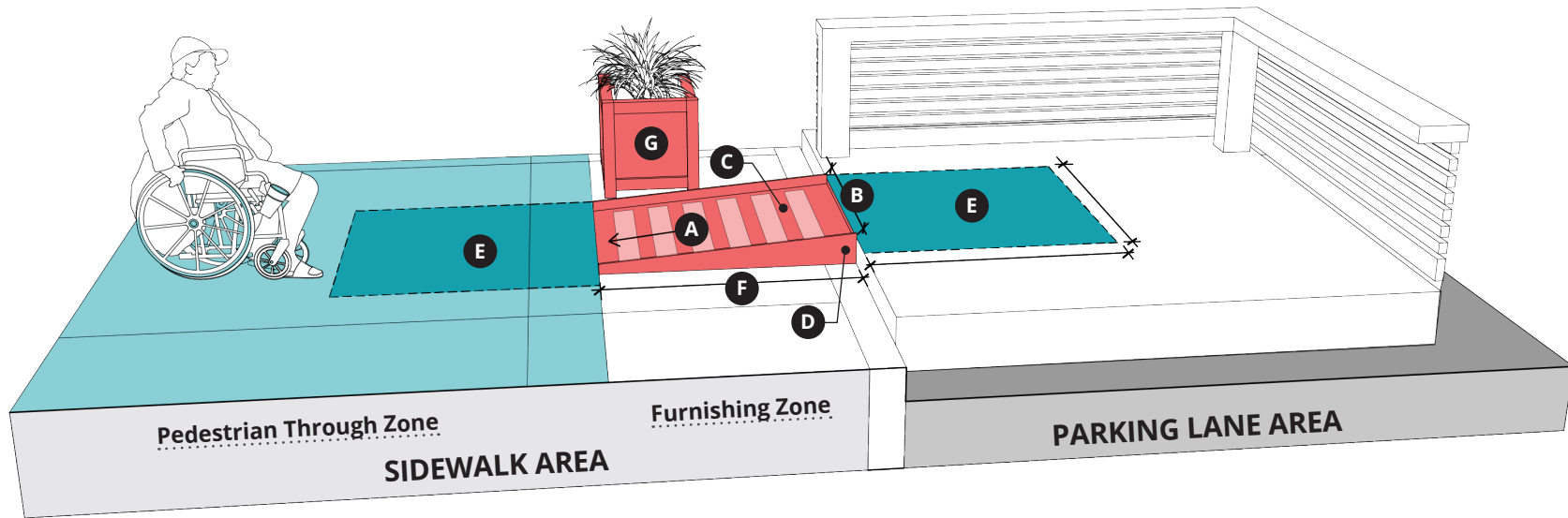
## **D** Side coverings

No side coverings between the wall and roof are allowed unless made of fully transparent sheathing.

## **No tents or canopies**

Freestanding tents and canopies are prohibited in all Sidewalk Café and Street Seat areas.

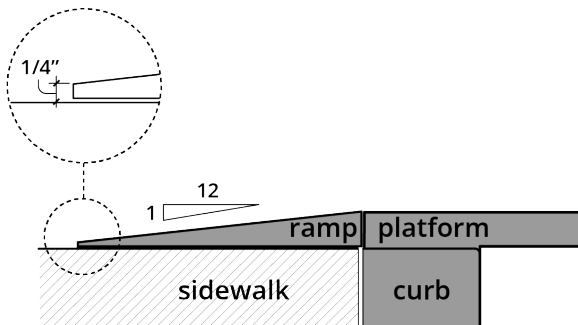
# Street Seat Ramps



## Requirements

Ramps must comply with current Americans with Disabilities Act (ADA) Standards. Where the vertical separation between the platform deck and sidewalk is more than 1/2 inch, at least one ramp is required for access.

The edge of the ramp meeting the sidewalk must not exceed 1/4 inch vertical or 1/2 inch beveled at 1:2 (50%) slope.



- A Slope** 1:12 maximum  
For more information on measuring slope, see [Appendix B](#).
- B Width** 36 inch minimum
- C Surfacing** Slip-resistant surfacing required
- D Height** 6 inch maximum rise for ramps
- E Landing dimensions**  
48 inch x 48 inch clear area at top and bottom of ramp. Landing may overlap with [Pedestrian Through Zone](#).

- F Overlapping furnishing zone**  
Ramps may extend up to 4 feet onto sidewalk, but not into the [Pedestrian Through Zone](#). Where the [furnishing zone](#) is not paved, the ramp may extend to the edge of the paved sidewalk. If it does not, a hard, stable surfacing must be installed between the bottom of the ramp and the paved sidewalk.
- G Safety elements**  
Ramps on the sidewalk must include a 32–42 inch tall vertical element, such as a planter, on both sides at the edge of the ramp to avoid tripping hazards.



# Assistance



**For questions and assistance regarding the PBOT Outdoor Dining Program and permitting process, please contact:**

[outdoordiningpdx@portlandoregon.gov](mailto:outdoordiningpdx@portlandoregon.gov)

503-823-4000

Monday–Friday, 7 a.m.–8 p.m.  
(excluding federal holidays)

Translation services available

# Appendix A: Glossary

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## Crosswalk

Any crosswalks either “marked” or “unmarked”. A “marked crosswalk” is any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway. An “unmarked crosswalk” is the imagined extension of a sidewalk or shoulder across a street at an intersection. An unmarked crosswalk exists at all intersections unless specifically closed with signage and a barrier.

## Frontage zone

A linear portion of the Sidewalk Corridor, adjacent to the edge of the right-of-way (or property line).

## Furnishing zone

The furnishing zone is the area between the Pedestrian Through Zone and the curb. It buffers pedestrians from the adjacent roadway and is where sidewalk infrastructure such as street trees, driveway approaches, signal poles, utility poles, streetlights, controller boxes, stormwater management, bicycle parking, hydrants, signs, parking meters, driveway aprons, grates, and street furniture such as benches are typically located. This is also the area where people exit from parked cars on the street.

## Installation

All the furnishings, structures, and traffic control devices used for business operations related to the permit.

## Pedestrian Through Zone

A continuous, paved area of the sidewalk intended for pedestrian travel and kept clear to allow for safe pedestrian passage. The Pedestrian Through Zone should be entirely free of above-ground permanent and temporary objects in order to provide an obstruction-free, continuous corridor for people to travel. The Pedestrian Through Zone is called the Pedestrian Through Zone (PTZ) in PBOT planning documents and the Clear Pedestrian Zone in Portland City Code 17.25, which covers Sidewalk Cafés.

## Permitted area

The portion of sidewalk, on-street parking, or other street space designated on a permit for use by the permittee. The permitted area includes any area reserved in the permit conditions or design guidelines for traffic control devices or to provide a buffer between adjacent permits.

## Slip-resistant

A surface that has been treated or constructed so as to significantly reduce the chance of a patron slipping. Waterproof anti-slip tape may be added to ramps or other surfaces where there is a concern.

## Stormwater planter inlet

A gap in the curb that allows water from the gutter to flow in or out of a stormwater planter behind the curb.

## Structure

A freestanding platform, enclosure, or overhead covering, or any combination of those, installed by the permit holder or applicant in a permitted area or any other part of the public sidewalk or street.

## Travel lane

A portion of the roadway dedicated to the movement of vehicles.

## Uncontrolled intersection

An intersection with no stop signs, stoplights, or other traffic controls.

## Overhead Coverings

### Awning

A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space. (Definition from Portland City Code 32.22.020.D)

### Canopy

A freestanding, roof-like structure or shelter without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects. Note: Fire Code considers these tents.

### Rigid roof

A roof or overhead covering that does not meet the definitions of awning, tent, or canopy, i.e., that is not covered by a membrane, fabric, or similar non-rigid material.

### Tent

A structure, enclosure, or shelter with sidewalls or drops, constructed of fabric or pliable material supported in any manner.

# Appendix B: Relevant Permit Links

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## Associated permits and requirements from other agencies

The Outdoor Dining Program permits are for the use of the right-of-way and shall not exempt the permittee from obtaining any license or permit as required by City Code, Rule, or Ordinance for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Rule, Ordinance, or the City Charter except as stated on permit.

### **ADA and Accessibility**

[Requirements for public accommodations](#)

[ADA Title III – Public Accommodations and Commercial Facilities](#)

For instructions on measuring slope, refer to [Northwest ADA Center's Oregon 2010 ADA Standards Checklist](#).

### **Bureau of Development Services**

[Awning Permits](#)

[Liquor Licensing Program](#), which often must be expanded for outdoor service

[Noise Program and Noise Code Variance Permit](#)

[Portable and temporary signs](#)

### **Bureau of Planning and Sustainability**

[Business district or association location map](#)

### **Bureau of Transportation**

[Fast stop 5-Minute Parking Zones information](#)

[Insurance information](#)

[Pedestrian Design Guide](#)

### **Portland Fire & Rescue Fire Marshal Office**

[Portable Propane Device Permit](#)

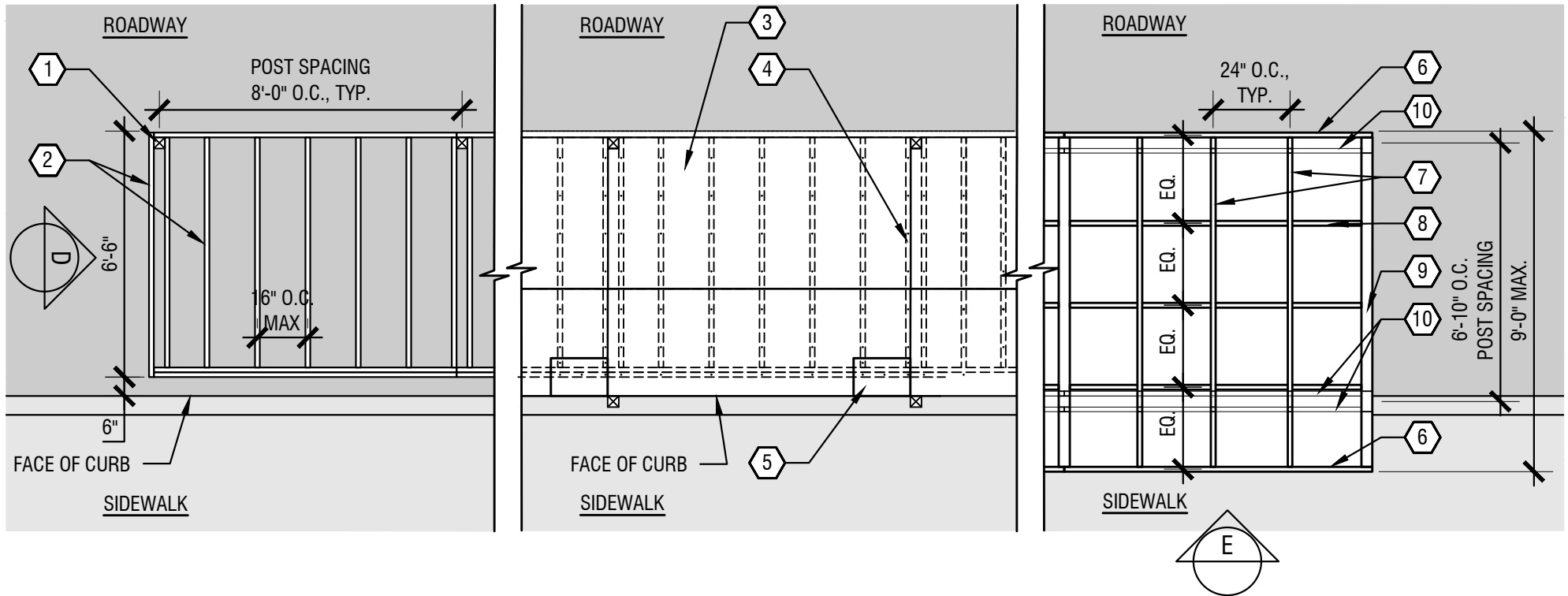
Email questions to: [firemarshal@portlandoregon.gov](mailto:firemarshal@portlandoregon.gov)

### **Smoking Guidelines**

[Oregon's Indoor Clean Air Act \(ICAA\)](#)



# Appendix C: Compliant Design Sample



**A** PLATFORM FRAMING PLAN  
SCALE: 1/4" = 1'-0"

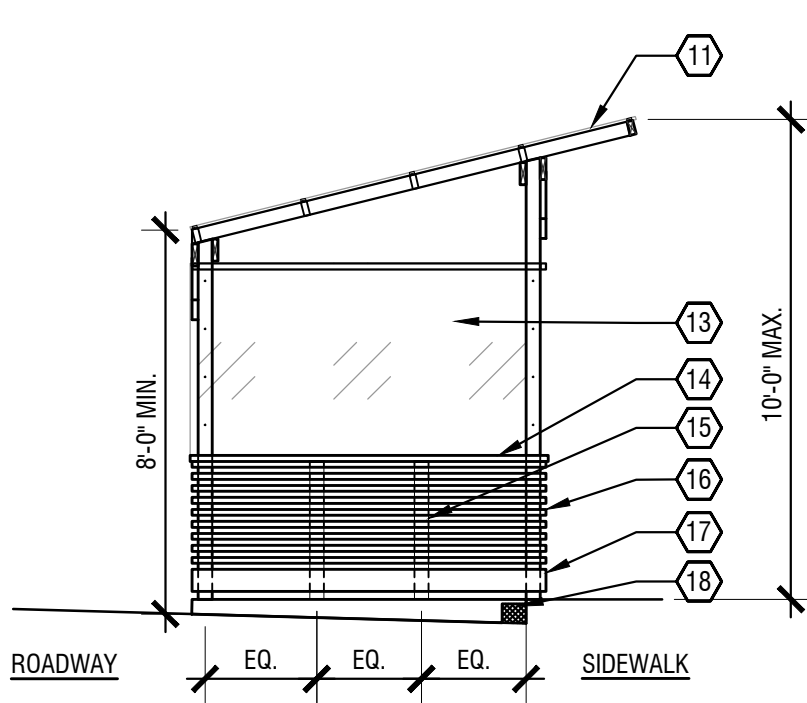
**B** PLATFORM FLOORING PLAN  
SCALE: 1/4" = 1'-0"

**C** ROOF FRAMING PLAN  
SCALE: 1/4" = 1'-0"

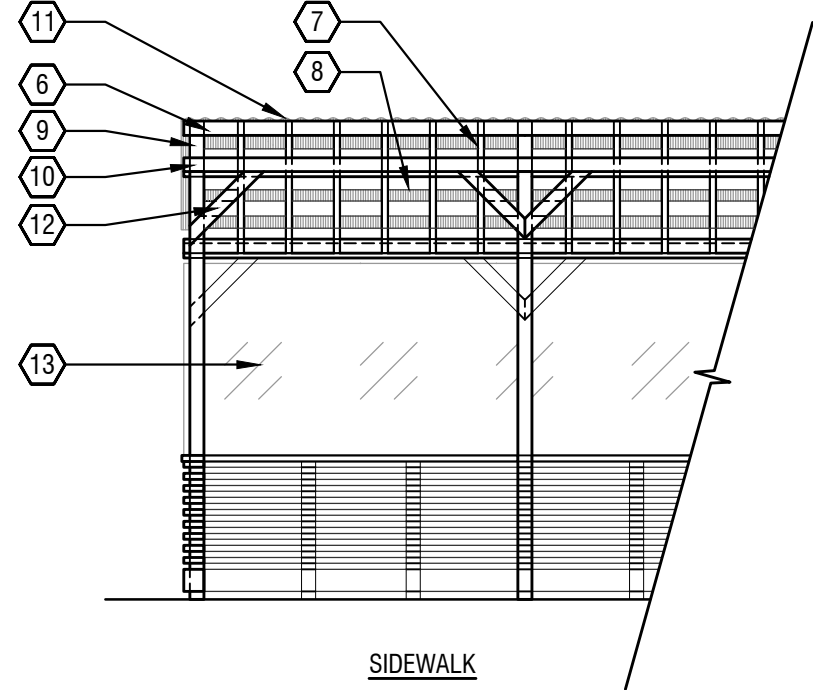
## MATERIAL LEGEND

- |   |   |   |
|---|---|---|
| <p><b>1</b> POSTS: 4X4 PRESSURE TREATED TIMBER</p> <p><b>2</b> PLATFORM FRAME: 2X6 PRESSURE TREATED TIMBER, CUT LENGTHWISE TO FIT SLOPE</p> | <p><b>3</b> PLATFORM FLOORING: 1" THICK 4X8 MARINE PLYWOOD, CUT TO FIT</p> <p><b>4</b> FASTEN DECKING TO FRAME WITH EXTERIOR DECK SCREWS</p> <p><b>5</b> GUTTER CLEANOUT: 12"x18" REMOVABLE PANEL EVERY 8FT, FASTEN TO PLATFORM FRAME</p> | <p><b>6</b> FACEBOARD: 2X4 TIMBER FASTENED TO ENDS OF RAFTERS</p> <p><b>7</b> RAFTERS: 2X4 TIMBER SECURED TO BEAMS</p> <p><b>8</b> ROOF BLOCKING: 2X4 TIMBER, CUT TO FIT BETWEEN RAFTERS</p> <p><b>9</b> RAFTER: 4X4 TIMBER SECURED TO TOP OF POSTS WITH POST CAP BRACKET</p> <p><b>10</b> BEAMS: 2X6 TIMBERS FASTENED TO FACE OF POSTS (BELOW)</p> |
|---|---|---|

# Appendix C: Compliant Design Sample cont.



**D** STRUCTURE - SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



**E** STRUCTURE - FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

## MATERIAL LEGEND

- |  |  |   |
|--|--|---|
| <b>11</b> ROOF: 26X12 POLYCARBONATE CORRUGATED ROOFING PANEL, CUT TO FIT, INSTALLED PER MANUFACTURERS INSTRUCTIONS | <b>14</b> WALL TOP RAIL: 2X6 CEDAR TIMBER CUT TO FIT AT POSTS                                  | <b>6</b> FACEBOARD: 2X4 TIMBER FASTENED TO ENDS OF RAFTERS                |
| <b>12</b> POST BRACING: 2X4 TIMBER ANGLE CUT AND MECHANICALLY SECURED TO POST AND CROSS BEAM                       | <b>15</b> WALL SUPPORT: 2X4 CEDAR TIMBER   | <b>7</b> RAFTERS: 2X4 TIMBER SECURED TO BEAMS                             |
| <b>13</b> SIDE COVERING: 16 GA. MIN. MARINE GRADE CLEAR VINYL SHEET -OR- 1/8" UV-RESISTANT CLEAR ACRYLIC SHEET     | <b>16</b> WALL SLATS: 2X2 CEDAR TIMBER, SPACED 4" O.C., TYP.                                   | <b>8</b> ROOF BLOCKING: 2X4 TIMBER, CUT TO FIT BETWEEN RAFTERS            |
|  | <b>17</b> TOE RAIL: 2X6 CEDAR TIMBER, MAX. 2" ABOVE PLATFORM SURFACE                           | <b>9</b> RAFTER: 4X4 TIMBER SECURED TO TOP OF POSTS WITH POST CAP BRACKET |
|  | <b>18</b> GUTTER SCREEN: 1/2" GALV. WIRE MESH COVERING GUTTER OPENING SECURED WITH LATH SCREWS | <b>10</b> BEAMS: 2X6 TIMBERS FASTENED TO FACE OF POSTS                    |

# Acknowledgements

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## Project Team

**Derek Abe**

Alta Planning + Design

**Taylor Bowden**

Mayer/Reed

**Julia Campbell**

Alta Planning + Design

**Fabiola Casas**

Espousal Strategies

**Jean Crowther**

Alta Planning + Design

**Erin David**

Alta Planning + Design

**Nick Falbo**

PBOT Policy, Planning & Projects

**Sarah Figliozzi**

PBOT Policy, Planning & Projects

**Kristin Hull**

PBOT Policy, Planning & Projects

**Nico Lim**

PBOT Development, Permitting  
& Transit

**Katie Mangle**

Alta Planning + Design

**David McEldowney**

PBOT Development, Permitting  
& Transit

**Emily Morishita**

Mayer/Reed

**Kalise Rucker**

PBOT Development, Permitting  
& Transit

**Adrienne Schaefer-Borrego**

PBOT Development, Permitting  
& Transit

**Jeramie Shane**

Mayer/Reed

**Shannon Simms**

Mayer/Reed

**Jake Warr**

Espousal Strategies

## Outdoor Dining Program Technical Advisory Committee

**Dana Dister**

PBOT Development, Permitting  
& Transit

**Jamey Duhamel**

PBOT Transition & Process  
Improvement

**Gena Gastaldi**

PBOT Policy, Planning & Projects

**Carlos Hernandez**

PBOT Traffic Systems & Operations

**Taylor Huschka**

PBOT Development, Permitting  
& Transit

**Geoffrey Judd**

PBOT Traffic Systems & Operations

**Mauricio Leclerc**

PBOT Policy, Planning & Projects

**Rachel Lobo**

PBOT Policy, Planning & Projects

**Michael Magee**

PBOT Street Systems

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PBOT Maintenance Operations

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PBOT Parking Operations

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PBOT Communications

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PBOT Policy, Planning & Projects

**Wendy Serrano**

PBOT External Equity Services

**Lisa Strader**

PBOT Policy, Planning & Projects

**Peter Wojcicki**

PBOT Parking Operations



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**Exhibit B: Summary of Engagement Efforts**







## **EXHIBIT B. WINTER/SPRING '23 STAKEHOLDER ENGAGEMENT SUMMARY**

PBOT Outdoor Dining Program (Formerly “Healthy Businesses Permit Program”)

### **Overview**

To inform updates to the Outdoor Dining Program permit (ODP), the program team conducted a series of engagement activities from January to April 2023. This document provides a summary of the activities conducted, key findings across all engagement efforts, and a summary of feedback collected per activity.

### **Activities**

Utilizing multiple engagement strategies, the project team has heard from hundreds of stakeholders regarding the future of the Outdoor Dining permit program.



Activity	Dates	Engagements
<p><b>Early Engagement Survey</b></p> <p>Online survey gathering feedback from current Healthy Business permit holders, potential future ODP permit holders, and others interested in the future of the program. Used to understand general interests and perspectives, as well as to identify interview candidates.</p>	January 9 – 26	152 responses
<p><b>Permit Holder Interviews</b></p> <p>One-on-one conversations with existing Healthy Business permit holders regarding their experience with the program and interests moving forward.</p>	February 8 – 24	8 interviews



Activity	Dates	Engagements
<b>BIPOC Business Survey</b> Online survey to explore particular interests and needs of BIPOC-owned and/or operated businesses.	March 14 – April 11	65 businesses (43 BIPOC owned and/or operated)
<b>Community Survey</b> Online survey to solicit thoughts and feedback on proposed permit requirements and key changes being considered in the permanent ODP program.	March 20 – May 1	1,051 responses

## Key Findings

The following themes emerged through this engagement.

- 1. There is broad support for the continuation of the Healthy Businesses permit program.** The program helped many businesses survive the worst of the COVID-19 pandemic, and they have come to rely on outdoor dining options to make ends meet. Customers appreciate having the option to dine outside, including those who avoid frequenting crowded indoor spaces.
- 2. Business owners are concerned about fees and other costs/requirements associated with participating.** Stakeholders frequently noted that restaurants, cafes, and bars largely operate on slim margins, exacerbated by rising food and labor costs. Several felt existing permit fees were excessive, with concerns about how much they will increase under the updated program. Other unexpected costs incurred (e.g., installation repairs and cleanup due to vandalism, replacing stolen items) have detracted from the overall positive experience most have had. Some raised concerns about bringing existing structures in line with new requirements, requesting they be grandfathered in.
- 3. Assistance from the City for BIPOC businesses would help address barriers and challenges.** 87% of BIPOC business representatives indicated that they would consider applying for funding support; half said such support would allow them to



become first-time program participants. Besides financial assistance, help with design and structure modification to comply with new guidelines received a lot of interest.

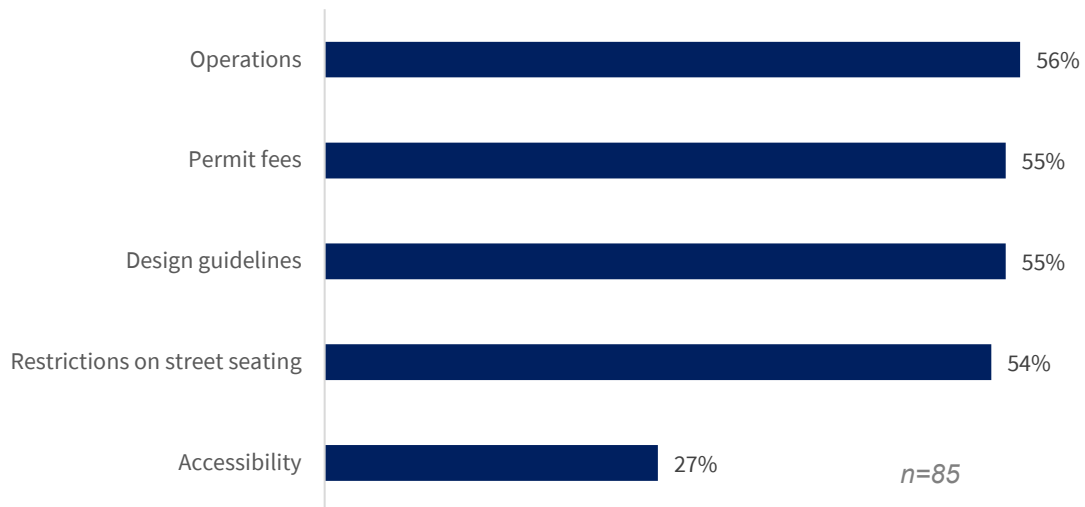
4. **Businesses are potentially interested in a seasonal permit option.** Most of those engaged who are interested in a parking lane permit would only seek a year-long option, but there is clear interest in a seasonal option depending on the costs or other details.
  
5. **A well-managed program is crucial.** Business owners want to see rules and regulations consistently applied in terms of design, accessibility, maintenance, and operations. Several neighbors to existing installations had concerns about noise and other externalities associated with the program.



## Early Engagement Survey: Summary of Feedback

The early engagement survey sought to gather high level input on which program-related topic(s) stakeholders were most interested in. As shown in the chart below, interest levels were similar between operations, permit fees, design guidelines, and restrictions on street seating. Accessibility received about half as much interest as the other topics.

Early Engagement survey respondent topics of interest



Additionally, a total of 60 respondents provided written comments to share their thoughts on topics of interest. The following table provides a synopsis of these comments, organized by theme.

Theme	Example quotes	Frequency
<b>Concerns about fees/ costs</b>	<p>“The new fees aren’t really ‘nominal’ to the tiniest of businesses.”</p> <p>“Please keep in mind that restaurants operate on razor-thin margins.”</p>	<p><u>19 comments total</u></p> <ul style="list-style-type: none"><li>• 14 permit holders</li><li>• 4 non-business respondents</li><li>• 1 business considering future participation</li></ul>
<b>Supportive of/thankful for the program</b>	<p>“The street seats and public plaza programming is an excellent use of the public right of way.”</p> <p>“Thanks for making this program. It allowed us to survive the pandemic.”</p>	<p><u>17 comments total</u></p> <ul style="list-style-type: none"><li>• 12 non-business respondents</li><li>• 5 permit holders</li></ul>



Theme	Example quotes	Frequency
<b>Safety and/or accessibility concerns</b>	<p>“I would like to see guidelines that adhere to ADA rules requiring clear lines of sight for all types of pedestrians...This is already a problem for able-bodied, standard sighted pedestrians, and much more of a danger for anyone with disabilities and/or limited mobility.”</p>	<p><u>13 comments total</u></p> <ul style="list-style-type: none"> <li>• 10 non-business respondents</li> <li>• 2 permit holders</li> <li>• 1 business considering future participation</li> </ul>
<b>Concerns about program management and/or enforcement</b>	<p>“My biggest concern is the way businesses have not been held accountable for how they operate on outdoor patios on public property.”</p>	<p><u>10 comments total</u></p> <ul style="list-style-type: none"> <li>• 6 non-business respondents</li> <li>• 4 permit holders</li> </ul>
<b>Unsupportive of program/should be discontinued</b>	<p>“I think it's very unfair for businesses along a street to have less on-street parking.”</p>	<p><u>8 comments total</u></p> <ul style="list-style-type: none"> <li>• 7 non-business respondents</li> <li>• 1 former permit holder</li> </ul>
<b>Concerns about noise/other externalities</b>	<p>“Please enforce noise and hours of operation rules for businesses on the sidewalks and street areas.”</p>	<p><u>7 comments total</u></p> <ul style="list-style-type: none"> <li>• 7 non-business respondents</li> </ul>
<b>Concerns about burdensome compliance requirements</b>	<p>“I'd like to see design guidelines that are affordable, accessible, and easy to implement over strict or exclusive guidelines.”</p>	<p><u>6 comments total</u></p> <ul style="list-style-type: none"> <li>• 4 non-business respondents</li> <li>• 2 permit holders</li> </ul>
<b>Seeking solutions for vandalism and theft</b>	<p>“We have tenants with shelters that get tagged or vandalized, and tenants may not have the resources to maintain them.”</p>	<p><u>3 comments total</u></p> <ul style="list-style-type: none"> <li>• 2 permit holders</li> <li>• 1 non-business respondent</li> </ul>



## Permit Holder Interviews: Summary of Feedback

Permit holders provided feedback organized by the following topics.

### Current installations and uses

- Most interview participants' structures had overhead coverings and some sort of material for walls (e.g., tarp, plexiglass, flashing). Two hired a professional contractor to construct theirs.
- When asked whether an overhead structure or canopy was critical, all except one said it was either critical or important/desired. The one who did not was a building owner whose tenants have structures and said she expected they would continue to participate even without an overhead structure.
- Five of the eight have a form of heating: one with temporary electric space heaters, two portable propane, one installed gas, and one installed overhead electric.
- While one interviewee pays someone to pressure wash the area regularly, all other interviewees maintain the cleanliness of their structures with existing staff. Multiple hire a handyman for basic repairs.

### Experience with program

- Interviewees reported having a largely positive experience participating in the program. They said the permitting process was relatively simple and the design requirements were not difficult to meet. One person wished they had more clarity around expected timeline for the process, and several mentioned wanting more detailed design guidance and/or improved communication channels with PBOT.
- A consistent concern raised was that the lack of certainty about the future of the program made some design decisions difficult, i.e., how permanent to make the structure and how much to invest in it.

### Business impacts

- Multiple interviewees stated that the HBPP has been critical to their business surviving the worst of the COVID-19 pandemic. Even after restrictions on indoor dining were lifted, interviewees largely appreciated the ability to increase seating capacity and felt that the cost of participating was worth the ongoing return on investment.
- Issues raised related to costs of participating included maintenance challenges (particularly responding to vandalism and theft), expense of propane heating, and the impacts from removal of parking.





## Permit options

- The majority of interviewees said they would seek a year-round ODP permit. However, there was interest in a seasonal option if it were cheaper and did not require the removal of more permanent structures they had constructed.
- One business owner who had a structure with an overhead cover, walls on three sides, and heaters said that it was still not a good option for customers during colder months, but removing the structure temporarily was not feasible.

## Fee increase

- When asked what factors they would consider when permit fees increase, interviewees largely said it depended on how much they went up. A common theme among restaurant owners was the thin profit margins and high costs of doing business in Portland. One participant said they would look into the cost of renting an indoor space by comparison but expected it would be significantly more expensive to do so even with fee increases.

## Suggestions

Ideas for the future of the program included:

- Providing additional resources for assistance with design.
- Offering incentives to construct high quality structures.
- Creating tiered fee structure where those with more permanent installations pay more than those simply using the parking space.
- Changing planter types due to difficulty of removing graffiti from current planters provided.
- Providing maintenance assistance, especially with leaf removal and road debris cleanup.



## BIPOC Business Survey: Summary of Feedback

### Respondent characteristics

Representatives from a total of 65 Portland businesses completed the survey, 43 of whom reported being BIPOC-owned and/or operated. As the numbers in **Table 1** reflect:

- Most businesses have been operating for over five years.
  - Compared to other businesses, a greater share of BIPOC business respondents have been operating for less than five years.
- There was an even split of respondents who have outdoor seating on-street and on-sidewalk.
- About two-thirds of respondents reported having an active Healthy Businesses permit.
- Reported installation costs ranged significantly, with a median of about \$5,000 for both BIPOC and non-BIPOC business respondents.
- As a median, businesses reported having installations in place for 2-3 years.

**Table 1: BIPOC Business Survey business characteristics**

Characteristic		BIPOC businesses (n=43)	Non-BIPOC businesses (n=19)
Time in operation	Less than 1 year	7%	0%
	1-5 years	42%	16%
	Over 5 years	51%	84%
Outdoor seating <sup>1</sup>	On-street parking space	30%	37%
	Sidewalk	30%	47%
	Parking lot or private property	14%	0%
	Other	8%	7%
	No outdoor seating	40%	26%
Has active Healthy Businesses permit		61%	79%
Median reported cost to install <sup>2</sup>		\$4,750	\$5,000
Range of reported cost to install <sup>2</sup>		\$450-\$100,000	\$300-\$60,000
Median time since installation <sup>2</sup>		2.5 years	3 years



Characteristic	BIPOC businesses (n=43)	Non-BIPOC businesses (n=19)
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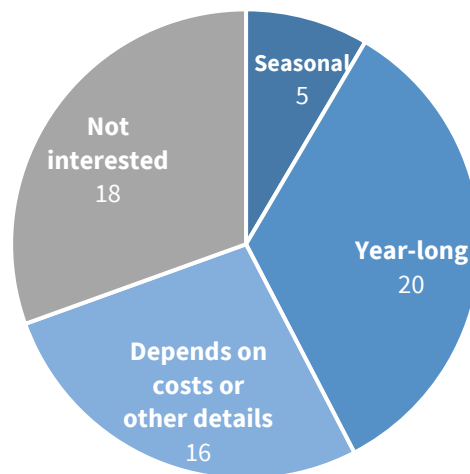
<sup>1</sup>Percentages add up to more than 100% because respondents could select more than one option.

<sup>2</sup>The number of respondents who answered questions about costs and length of time having an installation was lower than the others in this table: 21 BIPOC businesses and 13 non-BIPOC.

### Permit options interest

**Figure 1** shows the distribution of interest in **on-street permits** reported by all respondents (results were similar between BIPOC businesses and others). While a plurality said they were interested only in a year-long option, and just five indicated interest in a seasonal option, 16 others needed more information to decide on which type of permit they would explore. Most of those interested in a year-long parking lane permit have an existing installation.

**Figure 1: Parking lane permit interest (all respondents)**

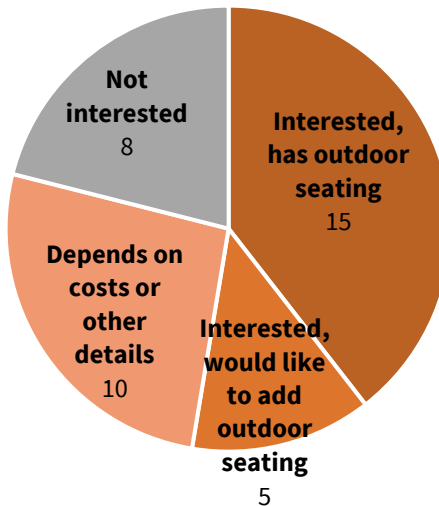


About 60% of respondents overall indicated interest in the **sidewalk café program**, either for existing sidewalk seating or to create new seating. Between BIPOC and non-BIPOC businesses, a smaller share of BIPOC respondents who answered this question had existing outdoor seating (40% vs. 67%, respectively, which is statistically significant at the 95% confidence level). As with interest in a parking lane permit, a sizable share said they needed more details to determine interest (just over one-quarter of BIPOC business respondents).

**Figure 2** shows results for BIPOC respondents only.



**Figure 2: Sidewalk café permit interest (BIPOC respondents)**



### Barriers and challenges

The survey asked those who do not have an active Healthy Businesses permit what has prevented them from applying. Of the 19 just three non-BIPOC businesses answered the question; the most common reasons given for not applying by the 16 BIPOC businesses were:

- Fees are too high (5 respondents)
- No space that would allow for outdoor dining (4 respondents)
- Did not know about the program (4 respondents)
- Limitations around time and capacity (3 respondents)

A small handful of BIPOC permit holders reported the following challenges experienced when applying:

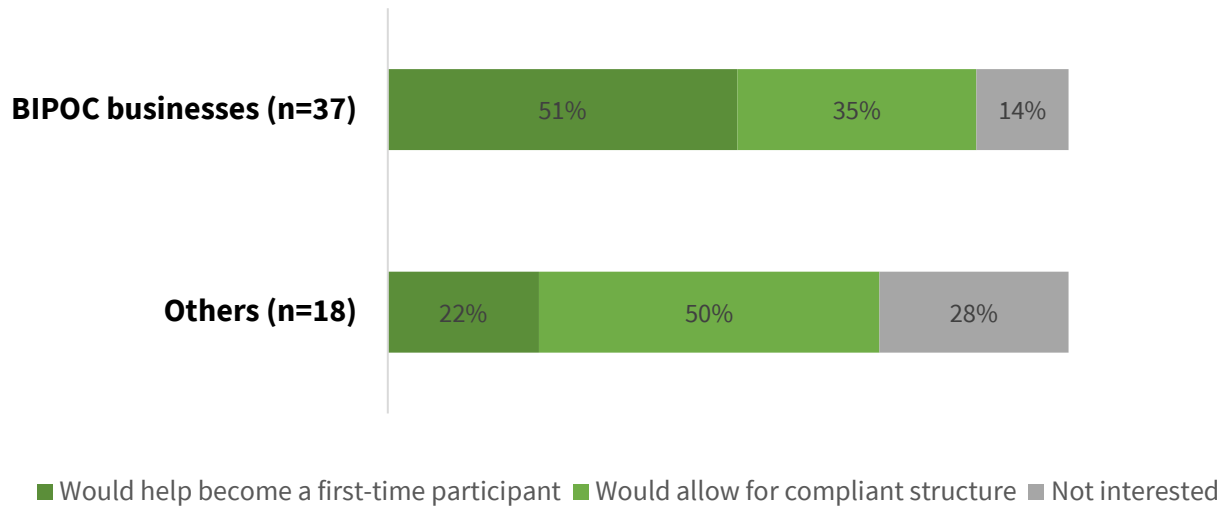
- The fees felt high (2 respondents)
- Limited time and capacity (2 respondents)
- Difficulty coming up with a design (1 respondent)
- Unsure if the program would benefit the business (1 respondent)

### Interest in PBOT support

The vast majority of respondents said they would consider applying for funding support if offered (see **Figure 3**). Notably, just over half of BIPOC business representatives said such support would allow them to become first-time program participants, compared to 22% of others – even with a relatively small sample size, this difference met the threshold of statistical significance at a 95% confidence level.



**Figure 3: Interest in financial support**



Finally, the survey asked respondents, “What aspects of creating a new, or improved, outdoor dining area would you most appreciate help with?” and provided a set of options. Results are shown in **Table 2**. Consistent with answers to the question about interest in funding support, a notable difference arose between how BIPOC business representatives responded compared to others: a greater share of BIPOC businesses selected purchasing materials such as wood, planters, barricades, and furniture (nearly two-thirds of BIPOC businesses compared to 39% of others). Designing and installing heating, lighting, or other electrical services was another popular selection for BIPOC businesses.

**Table 2: Respondents' desired types of assistance**

Type of assistance	BIPOC businesses (n=37)	Non-BIPOC businesses (n=18)
Purchasing materials, such as wood, planters, barricades, and furniture.	65%	39%
Designing and installing heating, lighting, or other electrical services.	43%	28%
Designing an outdoor dining installation.	32%	33%
Modifying my existing structure to comply with new guidelines.	30%	28%



Type of assistance	BIPOC businesses (n=37)	Non-BIPOC businesses (n=18)
Removing the existing structure in front of my business.	3%	0%
Other	11%	6%
Not interested in assistance	11%	28%



## Community Survey: Business Responses Excerpt

### OVERVIEW

Survey responses were received from March 20 through May 1, 2023.

#### 1051 responses were received:

- **5% of respondents were businesses (57 respondents)**
- **95% of respondents were residents (994 respondents)**

The survey took approximately 10-15 minutes to complete and asked for thoughts and feedback on proposed permit requirements and key changes being considered in the permanent ODP program.

Each category of questions gave some preliminary overview of information on proposed design guidelines and assumed that the respondent had not read the Draft Design Guideline document.

Survey takers provided feedback on the following category of design guideline and permit rules:

- **Safety and visibility** – new setback limits that will prohibit roofs in some locations approaching intersections, prohibitions on all parking lane installations within 10 ft of an intersection, and restrictions on the use of tents or pop-up canopies.
- **Design standards and guidelines** – maximum heights, side coverings, propane use, limits on locked installations and structures on sidewalks, and ADA accessibility requirements
- **Site operations** - maintenance plan and good neighbor plan requirements, amplified noise and no smoking related limits.
- **Seasonality** – outline of seasonal permit opportunities
- **Permit fees** – proposal that fees will generally be increased and that final fee table will be based on installation size, permit type, complexity to review, and seasonality.

Respondents were then asked if they agreed with the proposals (strongly disagree to strongly agree) and to provide open answer comments if they disagreed.

### BUSINESS RESPONDENTS

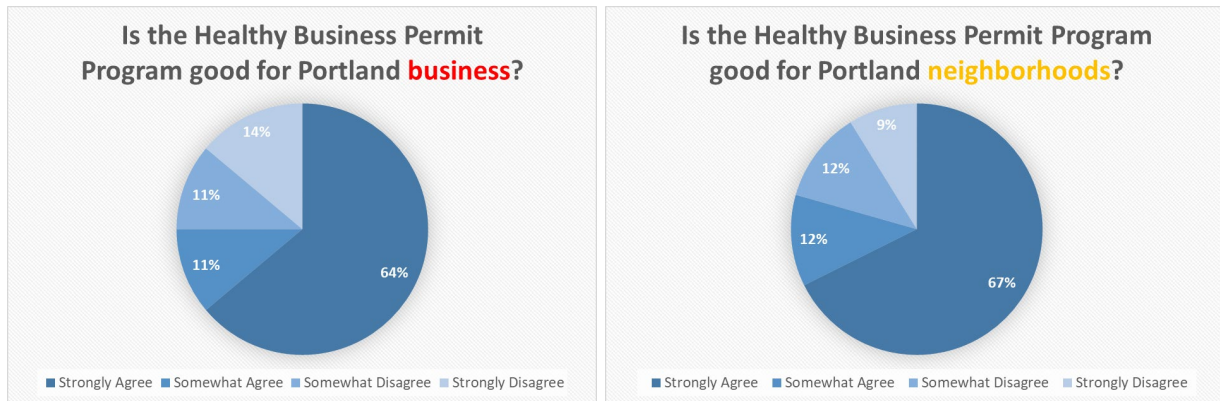
While the intent of the survey was to hear from the larger community on the proposed design and program guidelines, the project team did not anticipate such low participation from the business community. Significant effort was made to engage businesses by extensive outreach to current and past Healthy Business permit holders, Portland Business Alliance



(PBA) members, Oregon Restaurant & Lodging Association (ORLA) members, and Venture Portland members.

Given the relatively small response rate, the project team filtered out business owner responses to see if they were aligned with the larger community sentiments.

Majority of business respondents said that program was good for business and neighborhoods:



Summary of open ended comments from businesses who said that they did NOT support the proposal:

1. **Siting Restrictions:** Several existing businesses have invested heavily in outdoor structures during the pandemic and would face prohibitive costs if new setback requirements are implemented. Therefore, the community is requesting grandfathering for existing structures.
2. **Aesthetics and design:** Several commenters expressed opinions about the aesthetics and design of outdoor dining structures, including concerns about graffiti, visibility, and the impact on the overall look of the neighborhood.
3. **Propane Storage:** concerns about propane storage, particularly in areas with roofs. The community would like the ability to store propane heaters outside, where possible.
4. **Security:** concerns about theft and homeless people taking over outdoor installations at night. Therefore, some operators want to install locked gates.
5. **Cost and expenses:** Some commenters mentioned the cost and expense of building outdoor dining structures, particularly for businesses that may have already invested significant funds in their structures. Some called for exceptions to be made for existing structures or for the program to be more affordable for small businesses.





Enforcement: Some businesses believe that the guidelines related to outdoor seating and installations should be enforced more strictly.