2015/2016

## City of Portland Bureau of Transportation

# SIDEWALK CAFÉ PERMIT Information and Application


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|---|---|
| **Mail** | **City of Portland**<br>**Bureau of Transportation**<br>**Sidewalk Café**<br>**1120 SW Fifth Avenue Room 800**<br>**Portland OR 97204** |
| **Phone** | **503-823-7002 option 5** |
| **Fax** | **503-279-3968** |
| **Email** | **sidewalkcafe@portlandoregon.gov** |


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PORTLAND BUREAU OF TRANSPORTATION


The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints, and additional information, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711

**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 restaurant 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 the Sidewalk Café Permit requirements.

**What does a Sidewalk Café Permit cost?**

The intake fee is $220 and is due at the time of application. If no permit is issued, $170 of the intake fee is refundable.

An annual insurance review fee of $15 is required at the time of issuance.

The annual permit fee for the first year is $100 plus $9.25 per linear foot of café space. The total linear feet of the Sidewalk Café operation will be determined during a site visit by City staff. The renewal permit fee for each subsequent year will be $100 plus $3.25 per linear foot of cafe space.

**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.

**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 cannot be transferred to others.

**What if I want to change who the Permittee is?**

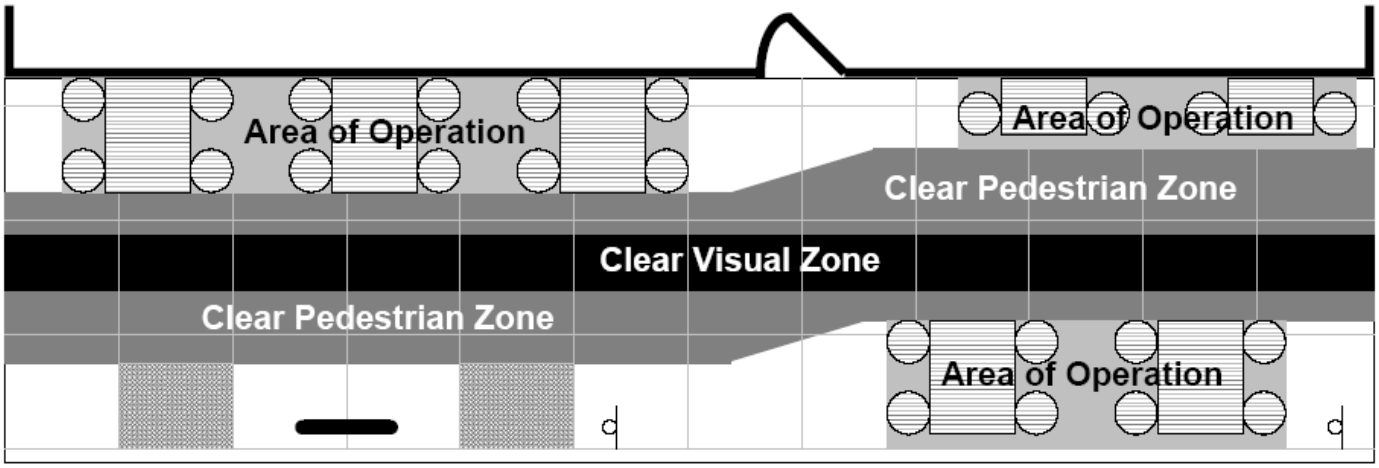
The permit is personal to the Permittee to whom it was issued and cannot be transferred to others. Any new Permittee must apply for a new Sidewalk Café Permit.

**Where can my Sidewalk Café be located?**

A Sidewalk Café can only be located directly adjacent to your restaurant's storefront. In addition, 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*. 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**<br>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 provide a site inspection drawing detailing the exact location of the Area of Operation. 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. Except for umbrellas; all items placed within the Area of Operation must not be higher than 42 inches above the sidewalk.

**Do I ever need to remove my furniture?**

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

All furniture and equipment used in the operation of a sidewalk café shall be removed within a period of 10 days from the right-of-way when not available for use by patrons. Removal of furniture and equipment may be required, on a case by case basis, outside of the business' hours of operation if determined necessary for safety or other reasons.

**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 available for use by patrons.

**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 $9.25 per linear foot added. For each added linear foot your annual permit fee will be increased by $3.25, effective the next permit year.

If you decrease the size of your Area of Operation, you will be charged $6.00 per linear foot removed. For each removed linear foot your annual permit fee will be decreased by $3.25, effective the next permit year.

**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.

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.

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

## Application

### Contact Information For All Sidewalk Café Correspondence

Applicant Name (person): _____

Phone: _____ E-mail Address: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

### Restaurant Information – Name and Location of Restaurant That Will Use Permit

Restaurant Name: _____

Name of Parent Company or LLC: _____

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; if all materials are not received within 30 days of initial submittal your application may be returned as incomplete.

- ☐ Sidewalk Café Application (this form)
- ☐ $220 intake 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

7/1/2013

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City of Portland ▪ Bureau of Transportation ▪ Sidewalk Café
1120 SW Fifth Avenue Room 800 ▪ Portland Oregon ▪ 97204
Phone 503-823-7002 option 5 ▪ Fax 503-279-3968

# 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.

Applicant Signature: _____ Date: _____

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1120 SW Fifth Avenue Room 800 ▪ Portland Oregon ▪ 97204
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# SIDEWALK CAFÉ

## Property Owner Consent

I, _____,
name of property owner

authorize _____
Sidewalk Café Permit applicant (person)

to operate a Sidewalk Cafe for _____
name of business

adjacent to my property located at the address _____.
property address and street

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: _____

7/1/2013

# SIDEWALK CAFÉ

## Concept Drawing

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

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 performing a site inspection.



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# 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.

**1.** **Certificate Holder Address:**

City of Portland
Street Systems Management
1120 SW 5th Avenue, Rm 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:

**2.**

- 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: 503-865-3427
Mail: Please mail to the Certificate Holder Address above
E-Mail: insurance@portlandoregon.gov

**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 insurance@portlandoregon.gov

# City of Portland Street and Sidewalk Use Permit Endorsement

This Form to be Attached to Permittee's Certificate of Insurance

INSURED: _____

AFFORDING CO: _____

POLICY NUMBER: _____

EFFECTIVE: _____

The policy shall bear also the following endorsement:

> "Without prejudice to coverage otherwise existing herein, the City of Portland, its officers, agents, and employees are included as additional insureds under this policy as to any claim or claims for injury to person including death, or damage to property, resulting from or growing out of the operations of the permittee within the City of Portland, Oregon."
>
> "It is understood and agreed that this policy shall not terminate or be canceled without first giving thirty (30) days written notice of intention to terminate or to cancel said policy to the City of Portland, Street Systems Management, 1120 SW 5th Ave Rm 825, Portland, Oregon 97204."
>
> Notwithstanding the naming of additional insureds, the said policy shall protect each insured in the same manner as though a separate policy has been issued to each; but nothing herein shall operate to increase the insured's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insured would have been liable if only one person or interest had been named as insured. The coverage applies as to claims between insureds on the policy. This endorsement assures that the policy complies with the terms and conditions of the named insured's permit with the City of Portland."

_____

Authorized Insurance Representative Signature

_____

Date

Name & Address of Certificate Holder:

City of Portland
Street Systems Management
1120 SW 5th Ave Rm 825
Portland OR 97204