

Sidewalk Cafés

An overview of the regulations and the process for obtaining a permit

The mission of the District Department of Transportation (DDOT) is to develop and maintain a cohesive, sustainable transportation system that delivers safe, affordable, and convenient ways to move people and goods, while protecting and enhancing the natural, environmental and cultural resources of the District.

DDOT's Public Space Regulation Division (PSRD) provides the highest level of customer service while issuing public space permits, and enforcing the District laws and regulations governing occupancy of public space. The occupancy of public space and the maintenance of public safety are top priorities for PSRD when processing and reviewing sidewalk café applications, as the overarching goal of Public Space Management is to achieve and maintain safe and beautiful streets in the District right of way.

Why Sidewalk Cafés?

The wide sidewalks in the commercial areas in the District of Columbia are well suited for sidewalk cafés. These cafés are one of the ways to activate city streets and enhance neighborhood character. Sidewalk cafés are places where residents and visitors can enjoy the beauty of the city, and the District encourages restaurants and other qualifying businesses to, open sidewalk cafés, wherever feasible. Since sidewalks are primarily intended for pedestrians and regulated by the DDOT as part of the city's transportation network, the District reviews each sidewalk café application to make sure minimum requirements for clear sidewalks and seating are followed. This guarantees that cafés are safe additions to city streets.

Approval Process

Sidewalk cafés occupy public space typically set aside for pedestrians. To ensure the interest of the public is protected, applications are reviewed by multiple District agencies and the local Advisory Neighborhood Commissions. The application process takes several weeks.

While the District strongly supports sidewalk cafés in public space, applicants must meet minimum

standards for an application to be approved. In some locations, public space constraints make it impossible to approve a sidewalk café.

Sidewalk café permits are obtained from DDOT's Public Space Regulation Division (PSRD) after approval by



the Public Space Committee. To be considered by the Public Space Committee, all applicants must submit a completed public space application through the Transportation Online Permitting System (TOPS) at tops.ddot.dc.gov. The Public Space Committee meets on the fourth Thursday of each month—meeting dates and deadlines for filing permits are posted on DDOT's website. Café permits that comply with all regulations and have no outstanding issues can be approved on the committee's consent agenda.

Some sidewalk cafés may need more than one permit such as the following:

- Public Space Sidewalk Café Permit for Rental - all applications
- Sidewalk Café Certificate of Use from Director of the Department of Consumer and Regulatory Affairs (DCRA) - all applications
- Building Permit (enclosed cafés only - see DCMR 12: 314.3)
- Electric Permit (cafés with lighting or electrical fixtures – DC Electrical Code 110-50, 410, 430)
- ABC license (sidewalk cafés serving alcohol)

Regulations for Enclosed or Unenclosed Sidewalk Cafés

Permit Requirements

No person can operate a sidewalk café in public space until he or she is issued a Sidewalk Café Permit and a Certificate of Use for a café (DCMR 24-301.2). Sidewalk café permits are issued to property owners only, and each application for a café must be signed and approved by the owner of the property abutting the public space to be occupied by the café (DCMR 24-303.3).

Seating Capacity

Every seat within a sidewalk café must fit within 15 square feet within the seating area. The number of seats within a sidewalk café is determined by dividing the total square feet of the café by 15. (The Public Space Committee, which approves sidewalk cafés, uses the standard for indoor restaurant seating established in the International Building Code, Section 1004.1 and 1004.2, Table 1004.1.1)

Furnishing and Fixtures

All furnishings and fixtures, such as chairs, tables, umbrellas, and lights, must be non-permanent and removable within 24 hours. Furnishings and fixtures should be arranged so they do not obstruct restaurant

doors and provide exit aisles for each door (DCMR 24-210.1, 24-312.2, and 24-312.3). Outdoor seating must be counted in satisfying restroom requirements, including, but not limited to, quantity, access, and location (DCMR 24-314.7).

Trash cans and other refuse storage containers may not be located near sidewalk cafés (DCMR 24-314.9 and 24-314.10).

The floor of a sidewalk café must be at the same elevation as the existing surface space. In order for the floor of the sidewalk café to be at grade, a floor may be constructed if it is less than 18 inches above where the café meets with the adjoining clear sidewalk space (DCMR 24-312.5 and 24-312.6).

Clear Sidewalk Space and Location

Sidewalk cafés must have clear, adjacent and unobstructed passageways no less than 10 feet in width at all points. However, the Public Space Committee has the authority to approve an adjacent passageway no less than 6 feet (DCMR 24- 204.1, 204.2, and 316.9). If located at street intersections, cafés must provide clearance of 10 feet from the corner. No sidewalk cafés shall be within 15 feet of a bus stop, a bus shelter, or a Metrorail station entrance (24-311.6 and 24- 311.7.7).

The clear sidewalk space is measured from the farthest extended portion of the sidewalk café frontage to the curb line or the nearest obstruction, whichever is nearest to the sidewalk café. For the purpose of determining clear sidewalk space, trees, streetlight poles, sign poles, fire hydrants, and other objects located on the surface space are considered obstructions; tree boxes with tree grates flush with the sidewalk are not considered obstructions (24-311.1 and 24-311.5).

Food and Serving Standards

Food cannot be stored or prepared in the sidewalk café (DCMR 24-314.3).

Display of Permit

The permit for a café must be displayed in a conspicuous location on the front of the associated business where it can be seen from the sidewalk and visible in such a way that it is legible to a person on the public space in front of the business (DCMR 24-207.13).

Additional Regulations for Enclosed Sidewalk Cafés

Dates and Conditions for Enclosures

Except for unseasonably cold, unseasonably warm, or rainy days, sidewalk cafés may be enclosed from October 15 through May 15 only. A sidewalk café may be enclosed on any day when the National Weather Service predicts at 8 a.m. at the Reagan National Airport weather station that within the next 24 hours, the temperature may go above 90 degrees Fahrenheit or below 60 degrees Fahrenheit, or if the chance of rain is 50 percent or more, or in the event of rain (DCMR 24-210.6 and 24-210.7). Weather information is available at www.weather.gov/washington.

Enclosing Structure

An enclosed sidewalk café may use a base wall of opaque material up to a maximum height of 36 inches from the sidewalk level. All enclosing walls, doors, and windows (but not structural members) above the base wall must be a transparent material. To further maximize transparency, both the horizontal and vertical structural members must be no more than 10 inches wide (DCMR 24-210.2, 24- 210.3, and 24-210.4).

Walls and other materials of an enclosed sidewalk café must be of non-combustible or fire-resistant materials. Awnings or canopies must be flame-retardant. The flooring must also be fire-resistant (DCMR 24-316.2 and 24-316.5). The supporting structure of any enclosed café must be constructed to support at least 30 pounds per square foot live load (DCMR 24-316.6).

When required to be unenclosed, an enclosed sidewalk café must be operated with all of its windows opened

and so that the enclosed sidewalk café is not enclosed from the 36 inch base to 8 feet above the sidewalk. The only items allowed between the fence/wall and the ceiling are the members holding or framing any windows (DCMR 24-316.10).

Fixtures

No plumbing fixtures are allowed to be installed in an enclosed sidewalk café. Heating, air-conditioning, ventilation, and electrical lighting may be installed, when authorized as part of the sidewalk café permit, in accordance with the applicable District codes and regulations (DCMR 24- 210.5).

Location and Configuration

No enclosed sidewalk café can project more than 20 feet from the building line, or occupy more than 60 percent of available surface space. (DCMR 24-210.8).

When the combined occupancies of the enclosed sidewalk café and the adjacent restaurant exceed 75 people, two exits shall be provided from the enclosed sidewalk café: one is required to open directly from the sidewalk, public alley, or public space abutting the enclosed sidewalk café and one may open into the abutting restaurant. If two exits are required for the adjacent business property, two exits are also required for the enclosed sidewalk café (DCMR 24-316.7 and 24-316.8).

Additional Regulations for Unenclosed Cafés Only

Awnings and Umbrellas

The awning, canopy, or umbrellas of an unenclosed sidewalk café must be adequately secured, retractable, or removable. Framing must be made or constructed of non-combustible or fire-resistant materials. The material used to cover the framing must be flame-retardant and approved by the Fire Chief. The height of the awning of an unenclosed sidewalk café must not be lower than 8 feet from the floor of the sidewalk café. The valance of the awning cannot exceed 12 feet and not exceed a

horizontal plane extending from the first floor ceiling of the adjoining building, whichever is less (DCMR 24-315.2, 24-315.3, and 24-315.4).

Fences and Planters

The height of a railing, fence, or planter (including vegetation) around a sidewalk café cannot be higher than 36 inches (DCMR 24-315.5).

Flooring

Artificial turf, carpet, platforms, or any other surface cover in a sidewalk café is allowed on the floor area only when specifically approved by the Fire Chief and the Public Space Committee (DCMR 24-315.6).

**The agency is conveniently located at:
District Department of Transportation (DDOT)
Public Space Regulation Division**

1100 4th Street SW, E360
Washington DC 20024
(202) 442-4670

Hours of Operation:

Office Hours: Monday, Tuesday, Wednesday, Friday, 8:15 a.m.-4:15 p.m.
Thursday, 9:30 a.m.-4:15 p.m.

Any questions on sidewalk café application requirements and the Public Space Committee review process, please contact PSRD at (202) 442-4670.

Contact the DC Office of Planning's Public Space Program at (202) 442-7600 to learn more about urban design options to consider when developing plans for the location and layout of sidewalk cafés.