



CAFÉ TABLES AND CHAIRS (SIDEWALK CAFÉ) IN THE PUBLIC RIGHT-OF-WAY

I. PURPOSE: Article 5.2 of the Public Works Code establishes regulations for placing tables and chairs in the public right-of-way. This Public Works (PW) Order provides detailed implementation guidelines for restaurants or food and beverage establishments to occupy the public sidewalk, court, alley, or street with a Sidewalk Café.

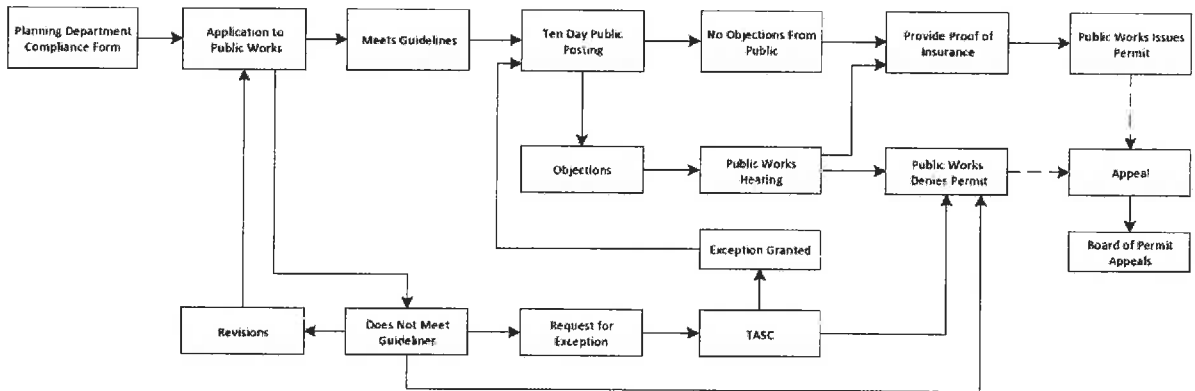
Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Manager

II. APPLICATION AND APPROVAL PROCESS

A. This application process is summarized in the following flow chart:



B. Requests to setup a Sidewalk Café in the public right-of-way on a sidewalk, or pedestrian only street or alley, shall include the following:

1. Planning Code Compliance form including the business address, hours of operation, and number of tables, chairs, and benches, with an approval signature from the Planning Department indicating that the proposed Sidewalk Café is in compliance with the Planning Code.

2. PW Occupancy Permit Application including:

- a. The applicant’s name and contact information (address, email, and phone number)
- b. The San Francisco Business License Number
- c. The proposed number of Tables, Chairs, and/or Benches
- d. The approximate proposed area to be occupied by the Sidewalk Café (tables, chairs, benches, and diverters, et al)
- e. The days and hours that the public right-of-way is to be occupied
- f. A non-refundable processing fee as specified in Public Works’ current Fee Schedule

3. Valid San Francisco Business License Certificate

Street Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel 415-554-5810

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

4. Site Plan – computer generated using CAD or other program(s) to create a fully dimensioned, detailed, and to scale layout plan of the Sidewalk Café. The plan shall include the placement of all tables, chairs, benches, diverters, trash receptacles, business entrance (s), and other required information. The plan must also indicate the property line, the width of the sidewalk, any existing sidewalk obstructions/furniture such as parking meters, sidewalk basement access hatches or stairs, tree wells, et al; the location of any curb ramps, fire exits/fire escapes, and the exact width of the pedestrian Clear Zone (See Figure One below). The applicant must also indicate the type of diverter proposed including all dimensions and materials.
 5. Evidence of Liability Insurance as required by Public Works
 6. NOTES: Tables, benches, and chairs in a ROADWAY area will be required to follow an additional permit procedure not covered in this Order. Street closure permits are issued by the San Francisco Municipal Transportation Agency (SFMTA) and must be approved prior to obtaining approval from PW for all the placement of the tables, benches, and chairs.
- C. If the application meets all design guidelines set forth in this Order:
1. PW Inspector shall post a 10 day public notice in a readily visible place on the frontage of the applying establishment.
 - a. If PW receives no objections, application may be approved (Refer to step C 2).
 - b. If PW receives objections, a PW public hearing will be scheduled.
 2. Applicant submits payment for an annual fee charged per square foot of occupancy one year in advance in accordance with current fee schedule, and submits proof of commercial general liability insurance as described and required by PW.
 3. PW issues permit.
 4. Upon approval of the application and issuance of the permit, the Permittee shall display a copy of the approved permit and site plan in a conspicuous location in their business establishment, visible from the sidewalk, while occupying said sidewalk/street area with the Sidewalk Café.
- D. If application does not meet guidelines set forth in this Order:
1. Applicant may revise application documents in order to meet guidelines
 2. Applicant may request an exception to said guidelines for review
 - a. If an exception is granted, refer to Paragraph "C".
 - b. If an exception is not granted, PW will disapprove the permit.
- E. If PW disapproves or revokes a permit, applicant may appeal this disapproval or revocation to the Board of Appeals.
- F. NOTE: Permits are subject to all applicable conditions specified in Sections III & IV below. Each permit is valid for a time period as determined by the Director of Public Works; or, until the applicant no longer owns or operates the business establishment,

until one (1) year from the date the permit was issued, or until the permit is revoked by the Director of Public Works, whichever occurs earlier. Café Tables & Chairs Permits

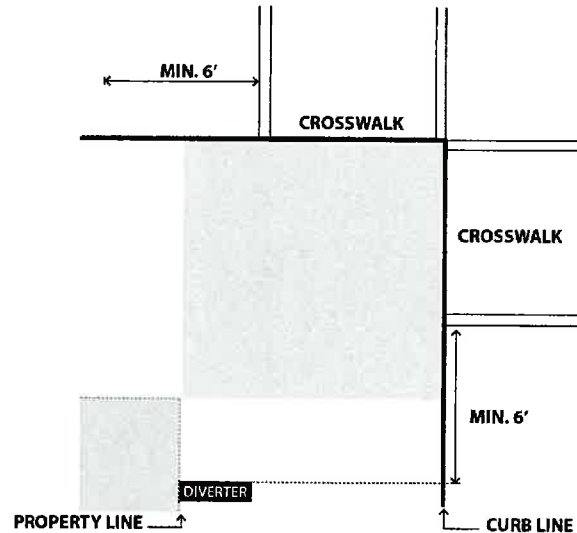
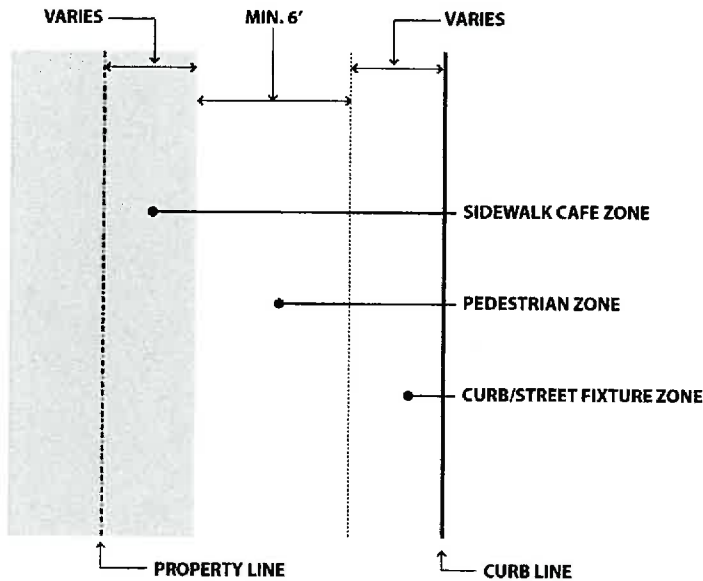


FIGURE ONE: Sidewalk Zones
shall be non-transferable.

FIGURE TWO: Corner Clear Zone

III. DESIGN GUIDELINES:

A. The Sidewalk Café must be located on the sidewalk, or pedestrian only street or alley, area fronting and adjacent to the applicant's business at the property line. The business must be an existing or proposed eating establishment with a valid San Francisco City business license.

B. The size of the Sidewalk Café shall be determined by the following factors: the width of the sidewalk, the level of existing or anticipated peak hour pedestrian congestion, and the existing neighborhood character.

C. Sidewalk Cafés shall not intrude on the "pedestrian zone" (Figure One). A minimum of six (6) feet clear pedestrian zone must be maintained on the sidewalk at all times. The six (6) feet of pedestrian clearance is a typical minimum, but may be increased at the City's discretion.

D. Sidewalk Cafés shall not intrude on pedestrian "corner clear zones" at corners (Figure Two). Sidewalk Cafes must also not interfere with curb ramps or driveways, maintaining a minimum six (6) foot clearance.

E. No element of the proposed installation may interfere with access to or egress from any building or facility.

F. No elements of the proposed Sidewalk Café shall be permanently affixed to the public-right-of-way.

G. No element of the proposed occupancy may be below a fire escape, obstruct access to a Fire Department Connection (FDC), or fire hydrant.

H. All Sidewalk Café elements, including but not limited to accessible tables and other functional facilities, must conform to the rules and regulations outlined in the City and County of San Francisco Better Streets Plan: <http://www.sf-planning.org/ftp/BetterStreets/proposals.htm> All sidewalk Café elements must conform to the rules and regulations outlined in the California Building Code, Title 24, Part 2, the Americans with Disabilities Act (ADA) and the provisions of the 2010 ADA (Americans with Disabilities Act) Accessibility Guidelines. Sidewalk Cafes also must not interfere with the requirement of California Civil Code Section 54 (a) that states in part; *"Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places."*

I. The Permittee must provide three (3) durable trash receptacles (compost, recycle, waste) within the sidewalk café zone as per Article 5.1, Section 173 of the Public Works Code and be shown on the layout plan. Further, per Section 173 of the Public Works Code, all trash receptacles shall be removed from the public right-of-way, concurrent with the removal of the tables and chairs, and end of each business day. The trash receptacles must be contained within the area demarcated by the diverters.

J. All installations of the Sidewalk Café must have a pedestrian diverter at each end to demarcate the Sidewalk Café Zone and to guide pedestrians around the Sidewalk Café into the Pedestrian Zone (Figure One). The depth of the diverter will determine the depth of the Sidewalk Café Zone. No part of any table, chair, bench or other Sidewalk Café element may extend beyond the depth of the diverters. It is the essential responsibility of the Permittee to ensure that all Sidewalk Café activity stays within the approved area at all times of operation.

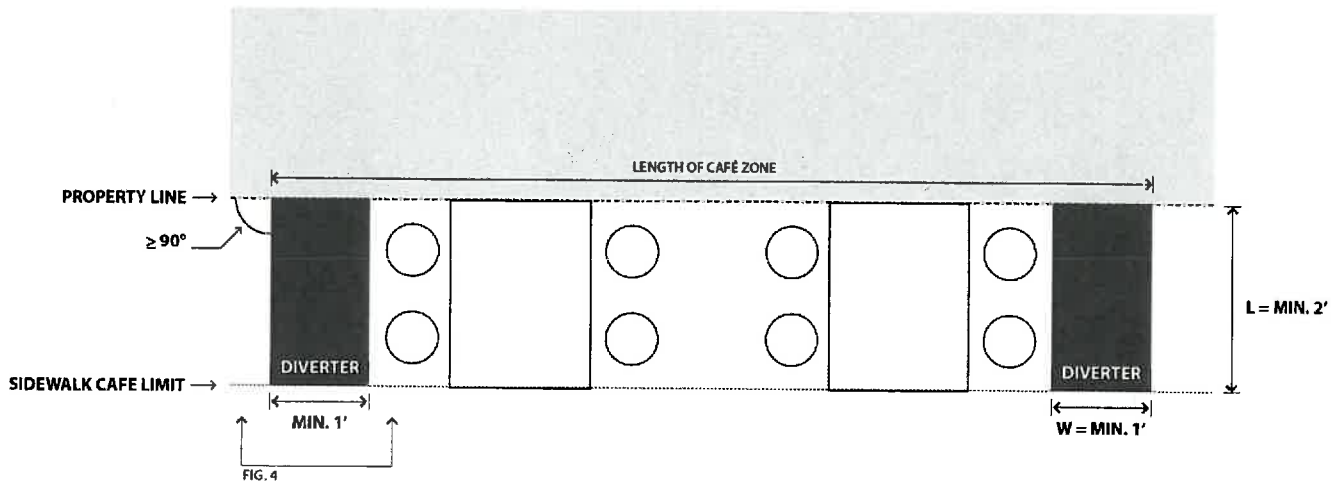


FIGURE THREE: Sidewalk Cafe Layout

K. Pedestrian Diverters must conform to the following design guidelines:

1. Diverters must be flush with the building edge at an angle of 90 degrees or more as shown in Figure Three
2. Diverters must conform to the dimensional guidelines as shown in Figure Four
3. Diverters must be sturdy and stable, of sufficient weight as to not be tipped or blown over
4. Diverters may not have any protruding legs or supports
5. Free standing fences are not allowed
6. Attachments or fasteners to the sidewalk are not allowed
7. Diverters must be at least 30" high to prevent from being tripping hazard
8. Diverters with plantings higher than 30" are strongly encouraged
9. Plantings must remain within the planter edge envelope as illustrated in Figure Four.
10. Diverters must be solid within 30" of the adjacent sidewalk surface
11. Diverters must be of a contrasting color to the walking surface so that they are clearly visible to persons with low vision, at least 70% contrast between adjacent materials is desirable
12. Diverters must have a non-glare or reflective finish
13. Diverters must be kept free of advertising
14. Diverters must be maintained and kept free of litter and other debris
15. Diverters for Sidewalk Cafes proposing bench seating must extend a minimum of twelve (12) inches beyond the edge of the seat as shown in Figure Five

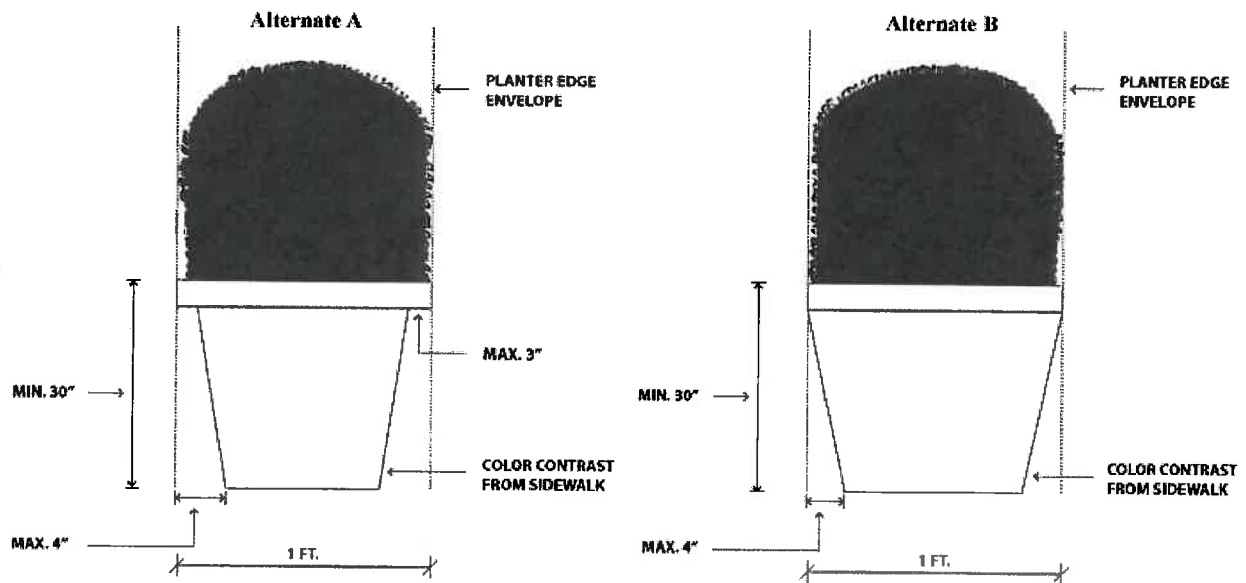


FIGURE FOUR: Diverter Dimensions

L. The Sidewalk Café area shall be determined by multiplying the distance from the outside edge from one diverter to the next diverter (Length of Café Zone), by the extent of the diverters (L) from the property line into the sidewalk (public right-of-way) to form a rectangle, see Figure

Three. The area shall include all the space between the diverters, including, but not limited to building entrance and exit ways.

M. Umbrellas placed in the Sidewalk Café must provide a minimum eighty-four (84) inch height clearance above the adjacent sidewalk surface if the canopy projects beyond the boundaries of the Sidewalk Café. No supporting element of the umbrella, including the base, shall protrude beyond the boundaries of the permitted Sidewalk Café.

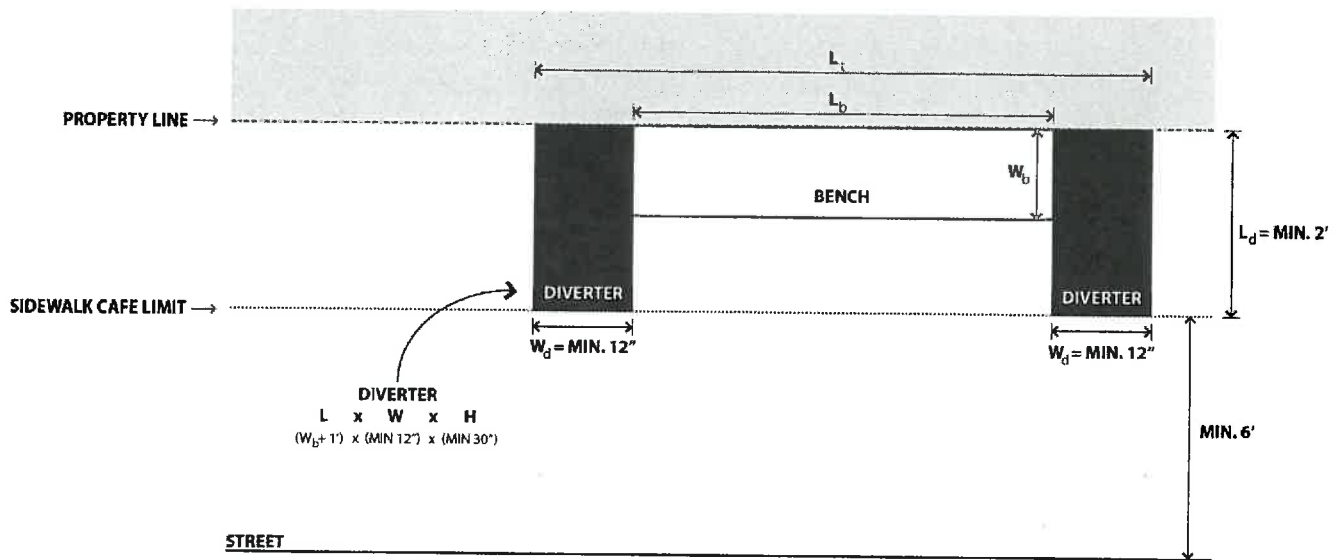


FIGURE FIVE: Bench Seating

IV. MAINTENANCE GUIDELINES AND CONDITIONS:

A. All elements (tables, chairs, benches, diverters, et al) of the Sidewalk Café shall be confined to the area shown on the final plan approved by the Director of Public Works.

B. All elements of the Sidewalk Café shall be promptly removed from the public right-of-way at the end of each business day at the hour stipulated in the permit.

C. Food trays or carts, receptacles for dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the sidewalk or roadway area of a public right-of-way.

D. The Permittee shall maintain all elements of the Sidewalk Café and the permitted area in a clean condition at all times. Graffiti shall be removed, cleaned off, or painted to match the existing walls within 24 hours of its appearance.

E. The Permittee shall be responsible for maintaining a clean and obstruction free sidewalk/roadway area fronting and adjacent to the Sidewalk Café at all times.

F. The Permittee shall keep the sidewalk/roadway area not occupied by a Sidewalk Café free of obstructions at all times.

G. The Permittee shall keep a copy of the permit and approved plan on the premises at all times and shall be produced immediately upon request by City personnel.

H. The Permittee shall maintain liability insurance as described and required by Public Works.

I. Assignment or sale of the permit is prohibited. No outside party shall display/sell produce or other items.

J. Failure to meet the above conditions may result in a Notice of Violation, which may be accompanied by a fine. Multiple violations of the above conditions may result in the Director of Public Works recommending revocation of the Sidewalk Café Permit.

K. A revocable permit issued under this procedure does not constitute a deed or grant of an easement by the City. The permit is revocable at any time at the will of the Director of Public Works.

L. There shall be no liability on the City or upon any of its officials, officers, agents, employees, or volunteers for any damage by the Permittee from any cause arising out of permitted activities. Furthermore, the Permittee agrees to indemnify, defend, and hold harmless the City & County of San Francisco and its officials, officers, agents, employees, or volunteers from any liability arising out of permitted activities.

V. CATASTROPHIC EMERGENCIES:

A. In the event that the City experiences a catastrophic event that prevents Public Works from conducting normal business hours and business processes, including Sidewalk Café Permits, Public Works will continue to issue emergency Sidewalk Café Permits through its activated Neighborhood Emergency Coordination Centers.

B. Public Works will retain an electronic Spreadsheet that will contain all Sidewalk Café Permit information, including Permittee names, addresses, and applicable permit information. The spreadsheet shall be updated on a monthly basis.

C. Once Neighborhood Emergency Coordination Centers are activated, Public Works will assign staff to issue interim Sidewalk Café Permits to existing permit holders as well as process new applications and issue interim Sidewalk Café Permits in an expedited manner that will temporarily waive notification and Hearing procedures until such time where the City can conduct business in a non-emergency fashion.

D. The City and County of San Francisco reserves the right to move/remove Sidewalk Café elements without notice or liability to the Permittee if necessary to provide emergency services or the safe movement of people and emergency response apparatus and equipment.

The sidewalk or roadway area shall not be painted, landscaped or altered in any way without prior written approval of the Director of Public Works.

This DPW Order rescinds and supersedes DPW Order No. 162,240, approved July 7, 1993

5/13/2015

5/13/2015

X 

Sanquinetti, Jerry
Bureau Manager
Signed by: Sanquinetti, Jerry

X 

Sweiss, Fuad
Deputy Director and City Engineer

5/13/2015

X Mohammed Nuru

Nuru, Mohammed
Director, Public Works
Signed by: Nuru, Mohammed