



# SIDEWALK CAFE HANDBOOK



City of Austin, Texas

# About Sidewalk Cafes

Sidewalk cafes contribute to a vibrant city where streets are for people. They make Austin's streets more attractive, lively and complete places – where people can relax and enjoy being with their friends and neighbors. With Austin's lively outdoor culture and appealing year-round weather, sidewalk cafes are popular with people of all ages. The opportunity to have a sidewalk cafe supports local businesses in downtown and walkable neighborhood business districts. Having people on the street, enjoying sidewalk cafes, also can help to make streets safer, and the cafes serve as attractive, walkable destinations.

The design guidelines and details on design requirements that follow in this handbook will help to ensure that your cafe is a success and that the City's application, review, and approval process goes smoothly.

In Austin, sidewalk cafes may be operated by restaurants or other businesses that are licensed to serve food and beverages, including alcohol. The cafe space is privately managed by the business, open for use only by its customers, and separated off with barriers. Table service may be provided.

A Street Patio is a specific type of sidewalk cafe. It is installed in street space formerly dedicated to parking but converted for pedestrian-oriented use. Please see the [Temporary Sidewalk Cafe Permit Website](#) for the Street Patio Handbook.



Photo credit: Michael Knox

# Getting City Approval for a Sidewalk Cafe

All sidewalk cafes installed on a City sidewalk, or other areas of the public right of way, require either a permit or a license agreement from the City. An outdoor cafe sited entirely on private property does not require a Right of Way permit or a license agreement between the owner and the City of Austin Office of Real Estate Services (ORES).

Obtaining a Temporary Sidewalk Cafe permit is the quickest path to obtaining permission from the City of Austin. The less burdensome permitting process was launched in 2014, specifically to assist business owners in creating temporary sidewalk cafes. Use the [application form](#) provided by Austin Transportation Department's Right of Way Management Division, which issues the permits in accordance with City Code § 14-4-3, Ordinance No. 20140828-074 Permitting of Temporary Sidewalk Cafes. For comparison, the differences between temporary and permanent sidewalk cafes include:

## Temporary Sidewalk Cafe Permit:

- **Duration:** Permit may be obtained for one to five years.
- **Process:** Streamlined and simpler permit approval process.
- **Reviewing Department:** Austin Transportation Department, Right of Way Management Division. Note that additional Departments may be included, depending on the design complexity, proposed cafe furniture and elements, and/or proximity to utility infrastructure.
- **Installation:** To be temporary, the cafe structure must include removable barriers that are affixed to the sidewalk with no more than one bolt in each corner of the cafe space, with a four bolt maximum.
- **Fees:** \$100 application fee and \$200 annual permit fee.

## Permanent Sidewalk Cafe License Agreement:

- **Duration:** Allows a business to operate a sidewalk cafe throughout the lifespan of the business.
- **Process:** More in-depth and lengthy. Requires construction drawings.
- **Reviewing Department:** Office of Real Estate Services (ORES).
- **Installation:** A license agreement is required when the physical cafe structure is more permanently affixed to the sidewalk – e.g. it requires more than one bolt in each corner, is attached to the building, or it includes an outdoor bar structure in the sidewalk cafe area.
- **Fees:** \$425 application fee and an annual fee.

**ORES Contacts: Andy Halm, 512.974.7185 or Betty Nguyen, 512.974.7196**

This handbook addresses only temporary sidewalk cafes, as permitted by Austin Transportation Department.

# Insurance and Bond Requirements

Please consult the requirements for Insurance, Bond, and License packet. It is available online at [austintexas.gov/service/temporary-sidewalk-cafe-permits](https://austintexas.gov/service/temporary-sidewalk-cafe-permits) and it includes further details and templates.

## BOND REQUIREMENTS

The sidewalk cafe permit holder must provide the City with cash or a surety bond sufficient to cover the cost to the City to remove the sidewalk cafe if necessary. Requirements depend on the style of cafe barrier:

- \$5,000 bond if unbolted
- \$10,000 bond if bolted

## LIABILITY INSURANCE REQUIREMENT

As is required for other City street use permits, the applicant business must carry \$500,000 in commercial general liability insurance. A business that sells alcohol must also carry \$1,000,000 in Liquor Liability Insurance. The policy must name the City of Austin as an “additional insured” and include a “30 day notice of cancellation.”

The applicant must provide a certificate of liability insurance before the City can issue the permit. This coverage must be maintained throughout the duration of the permit and for six months after the cafe is removed. For more information, please see the Right of Way Management’s Requirements for Insurance, Bond, and License at the website above.

## MAINTENANCE AGREEMENT

Obtaining a sidewalk cafe permit also requires signing a [maintenance agreement](#). Please see the maintenance agreement for details.



## Designing Your Temporary Sidewalk Cafe

A sidewalk cafe can be relatively simple and low-cost, or a more elaborate space with durable elements and furnishings. As part of the public's daily experience of the street, the cafe should be inviting and promote street activity. Cafes in outdoor locations with people-watching opportunities tend to be the most popular. Streets with some foot traffic, in areas with storefront businesses and transit stops, are ideal. Using small tables allows for more patrons and an intimate cafe experience. Movable seating allows patrons to adjust their seating arrangement for comfort, sun exposure, etc. Look at a variety of outdoor cafes for ideas in designing your space, including the photos in this handbook and many others available in books and online.

**The Design Requirements that follow discuss the required elements, which are critical to the outdoor space's attractiveness and success. Be sure to consider:**

- Whether the site can meet all design, setback, and clearance design requirements
- Sun orientation and exposure; awnings, umbrellas and/or other provisions for rain
- Selection of barriers, planters, and other methods of cafe delineation
- Materials, furnishings and landscaping

The physical barrier, which can be established with corner planters or fencing, provides a level of separation, which helps people understand the cafe boundaries and clearly identifies it as an extension of the adjacent indoor restaurant.

## **APPLICATION PROCESS**

This handbook contains background information about application requirements and preparing your site. See the application form for further details about the City process for submittal, review, and approval.

To obtain the necessary permit, submit a completed [Temporary Sidewalk Cafe Application Form](#) to the Right of Way Management Division, Austin Transportation Department, at the address below. Only businesses with approved permits are allowed to operate Sidewalk Cafes in the City's Right of Way.

Please read through the handbook, the application form, and all attachments; if you still need additional information, contact:

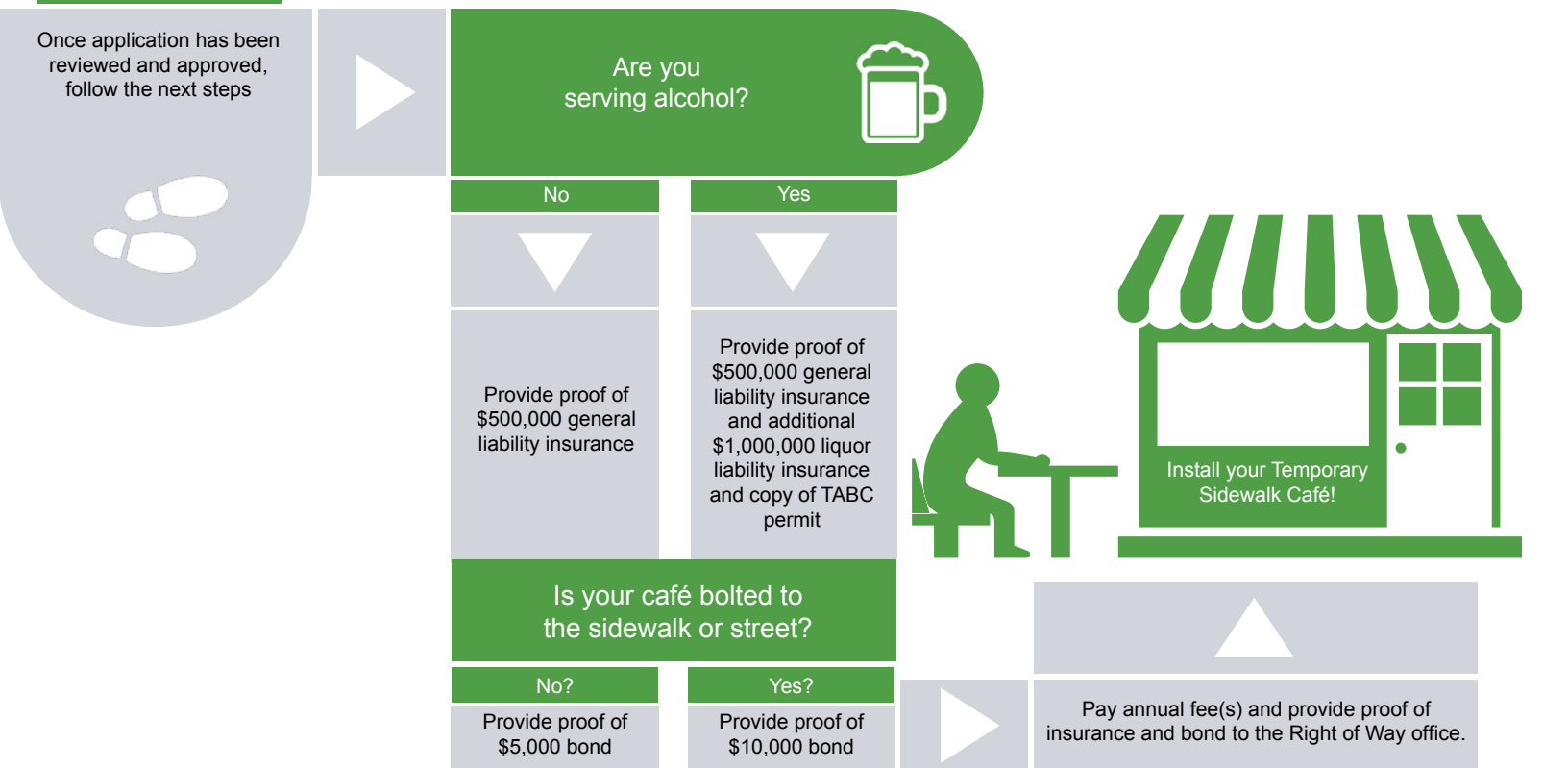
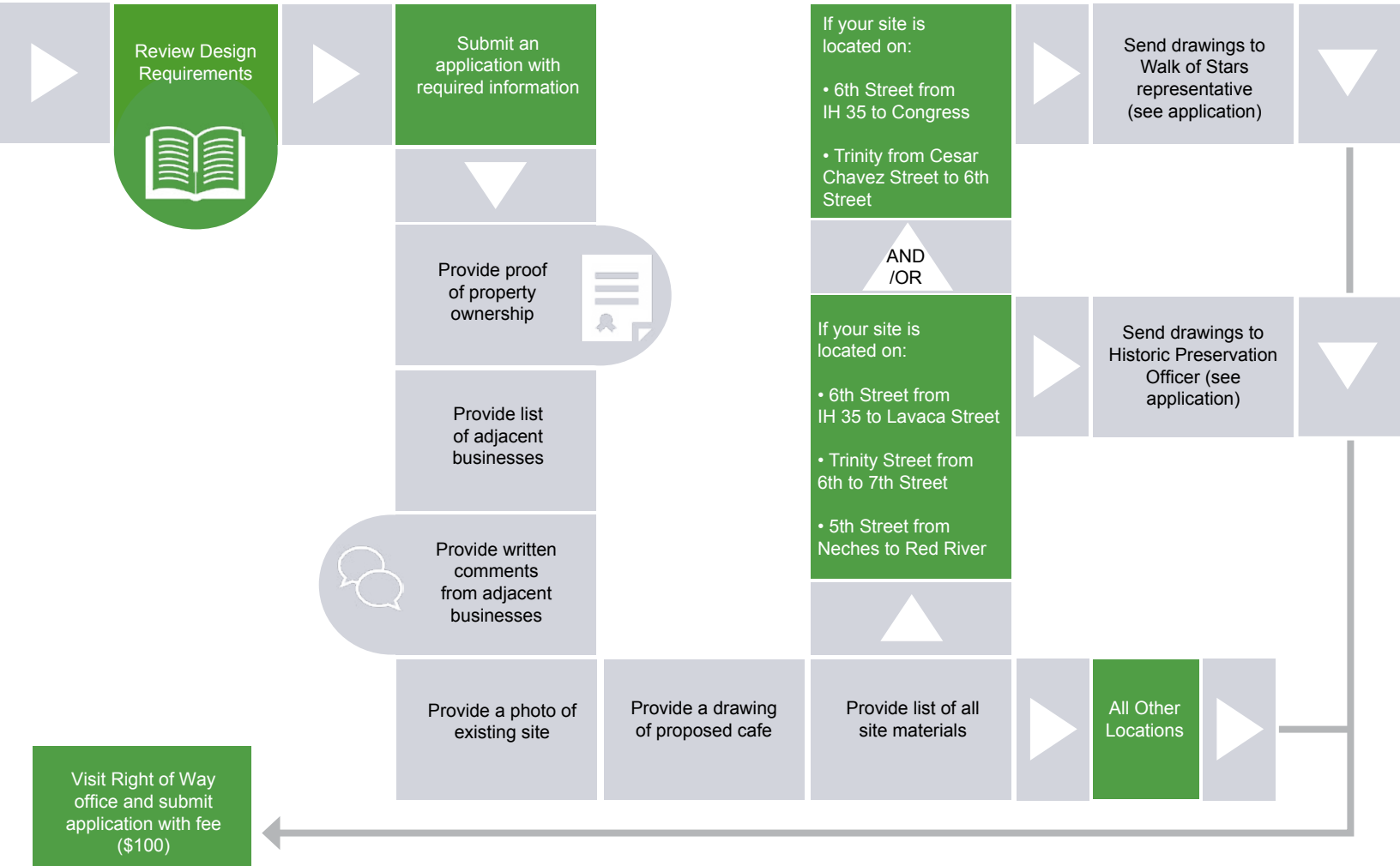
**Right Of Way Management Division, 512-974-1150**

**3701 Lake Austin Blvd., Austin, TX 78703**

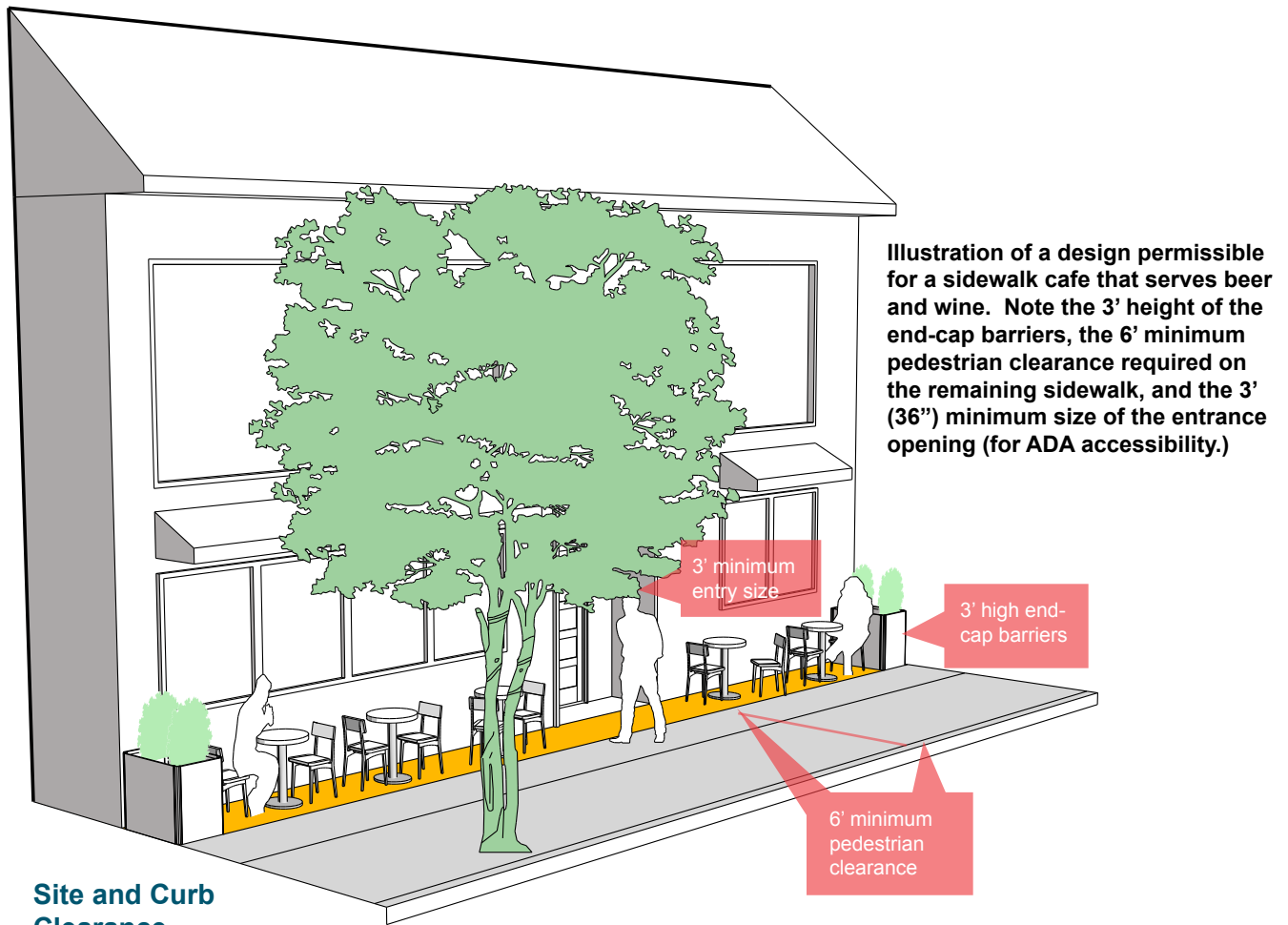
**Walk-in Hours – Monday through Friday, 8 a.m. to 1 p.m. (no appointment required)**

The completed application form, supporting documentation, and a check for the non-refundable \$100 application fee will need to be delivered to this office.

# PERMIT PROCESS FLOWCHART



## SIDEWALK CAFE DESIGN REQUIREMENTS



The sidewalk and street are part of the public right of way. On behalf of the public, the City of Austin regulates its use. As part of the Sidewalk Cafe permit review process, the proposed site and design will be reviewed to ensure that they meet all design, setback, and clearance requirements.

If the proposed sidewalk cafe would cover manholes or encroach upon public utilities, it will be subject to additional review. Additional time will be necessary.

A Sidewalk Cafe cannot interfere with other curb uses. Examine the proposed area for any conflicts along the curb, in advance. Conflicts with existing curb uses that will result in denial of the permit application include a conflict with a:

- fire hydrant
- bus stop or transit station
- loading zone
- taxi zones
- handicap-access parking space
- other specially designated zone



## Barriers

Sidewalk cafes that **do not serve alcohol** may simply consist of tables and chairs. They do not need physical barriers that define the space, although planters or other barriers may be included in the design.

The tables and chairs must be sized and arranged to ensure **six feet of sidewalk remains clear** for a pedestrian passageway.



## SIDEWALK CAFES SERVING ALCOHOL

Per TABC requirements, the City of Austin requires physical barriers that delineate the space where alcoholic beverages are served in a sidewalk cafe. Table service with alcohol is limited to the area defined by the delineated perimeter and alcohol may not leave that area.

To delineate and visually separate the space, two end-cap barriers are required, one at each exterior corner (or end) of the sidewalk cafe. The designated sidewalk area is established by the outside corners of the two end-cap barriers. A fully enclosed cafe space, defined with a fenced barrier, is encouraged but not required.

At its simplest, per TABC guidance, the delineated perimeter is an imaginary line that can be established by two planters set in the outside corners of the designated sidewalk area.

The delineation of this space with two end-cap planters meets the requirement for alcohol service.



## BARRIER DESIGN

Removable barriers should be a minimum of 36 inches in height. They must be free-standing, stable, and well-balanced. Ensure that the barrier is solidly designed so that it's difficult to topple or remove, and it does not create a tripping hazard. For safety, barrier segment edges should be flat with tapered edges that are between  $\frac{1}{4}$  and  $\frac{1}{2}$  inch thick, with no sharp edges.

**Height:** Sidewalk cafe posts, planters, and/or fence sections shall be a minimum of 36 inches (3 feet) in height.

**Distance from the Ground:** The distance from the lowest point of the fencing to the ground shall be no more than 6 inches in height. This is to ensure that visually-impaired pedestrians who use canes will note the barrier.

**Open Design:** Sidewalk cafe fences shall allow patrons and pedestrians to see from the cafe to the street and vice versa.

## Types of Barriers

**1. Sectional fencing:** Rigid fence segments may be placed end-to-end to create the appearance of a single fence. Sectional fencing should be composed of metal or finished wood.



**This sidewalk cafe at Numero 28, in the Second Street District, was designed with modular components. They are designed to be stable, but not bolted to the sidewalk, thus meeting the requirements for a temporary permit.**

Photo credit: Hilary Andersen



**Annie's Cafe on Congress Avenue delineates its sidewalk cafe space entirely with planters.**

Photo credit: Michael Knox

**2. Planters:** Outdoor planters may be used as a barrier component. If placed at the corners of the sidewalk cafe space, they can serve to delineate it. A planter with plants should be a minimum of 3 feet tall; in total it may not be taller than 6 feet. The business should plan ahead for the regular watering and other maintenance required to keep the plants healthy, pruned, and free of trash and debris.



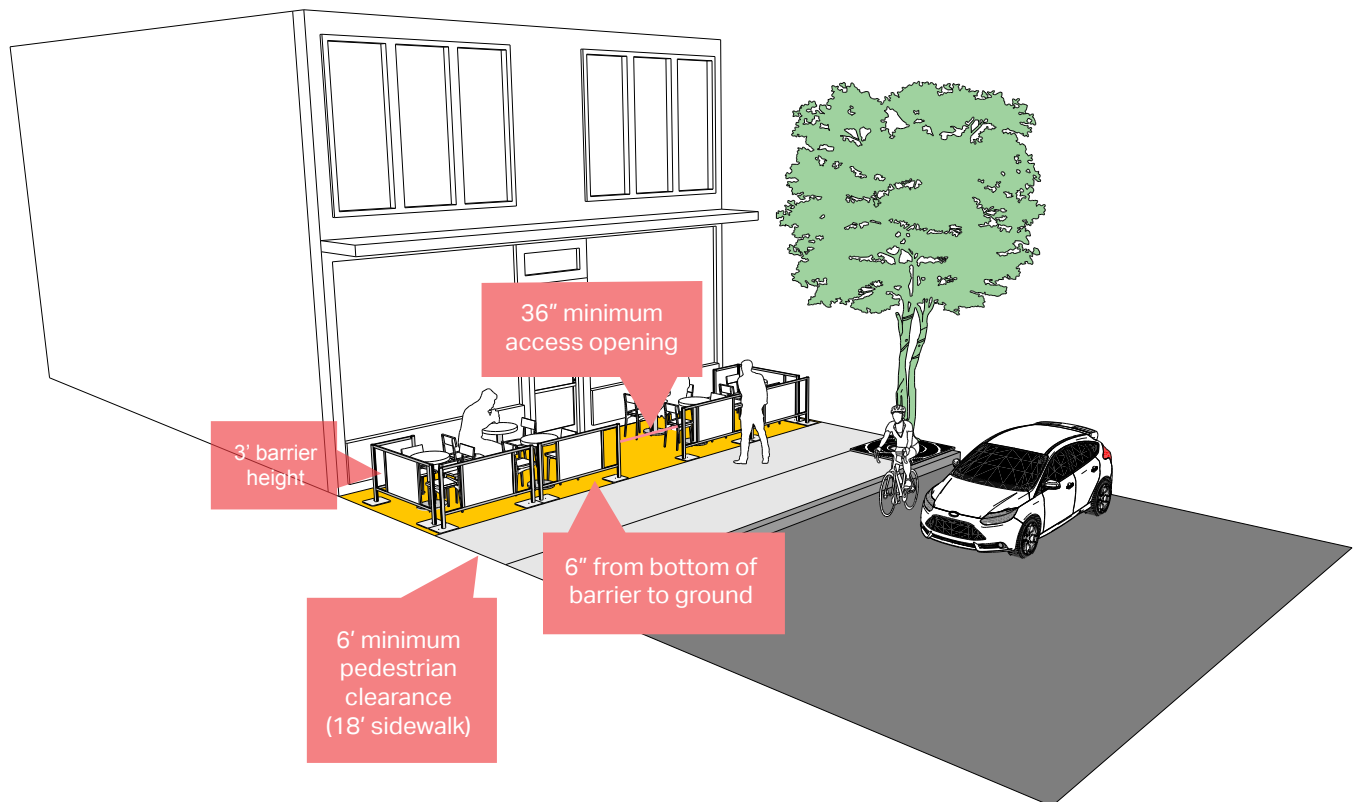
A sidewalk cafe with planters at either end.

Photo credit: Hilary Andersen

## ENTRANCE AND ACCESS OPENINGS

The sidewalk cafe entrance should be in front of the adjacent restaurant. Ensure that deliveries do not obstruct or interfere with the entrance. Furnishings may not obstruct doorways and access openings.

**Minimum entrance width:** 36 inches wide for ADA and wheelchair accessibility.



This illustration shows a sidewalk cafe that meets design requirements, as it relates to the sidewalk, planting strip, and street.

## SETBACKS FROM OTHER BUSINESSES

Restaurant and cafe managers should ensure that sidewalk cafes do not unreasonably obstruct the visibility of neighboring businesses. The sidewalk cafe area must remain within the storefront boundaries of the business.

## CLEAR PEDESTRIAN PASSAGEWAY

Where sidewalks are 18 feet wide or greater, the delineated cafe space must be sized to leave a **minimum of six feet** of unobstructed pedestrian passageway on the sidewalk. This applies to Great Streets with 18-foot sidewalks in Downtown Austin.

Where sidewalks are narrower, the sidewalk cafe must be designed and delineated so that it leaves a minimum of **five feet** of unobstructed pedestrian passageway on the sidewalk.

The clear pedestrian passageway must be maintained and designated at all times. No element of the sidewalk cafe (including umbrellas, canopy, plants, barriers, or signs) may obstruct the pedestrian passage way.



Based on the site review, the City reserves the right to require a wider pedestrian passageway of up to six feet if in areas that anticipate a high level of pedestrian activity.

## **FURNISHINGS**

Select high-quality materials, furniture, and fixtures that enhance the streetscape; your materials should be appropriate to the neighborhood as well as the character of your business. Furniture must be highly durable and intended for outdoor use in the Texas weather.

Maintain the furniture and fixtures daily, to ensure they are clean and free of fading, corrosion, splinters, dents, tears, and chipped paint.

All seating and tables must be movable in order to accommodate wheelchair access.



Clean, sturdy, comfortable and moveable chairs and tables

Photo credit: Hilary Andersen

## TABLES AND CHAIRS

Seating should be comfortable and moveable, and designed to withstand heavy use and weather. Tables may be any shape. They may not be over 36 inches in height. Smaller tables are encouraged, as they provide more layout flexibility. They can be combined for larger parties.

## MATERIALS

The application submitted must include a list of all materials to be used in your sidewalk cafe. Materials that appear unsuitable for sustained outdoor use (e.g. untreated wood likely to quickly splinter) will be questioned during application review. For sustainability, select materials that will last, rather than those likely to end up in the landfill and be replaced.

**Encouraged materials:** Metals, finish-grade woods, sturdy recycled materials

**Discouraged materials:** Breakable plastics, unfinished lumber

Encouraged material



Discouraged material



Photo credit: Hilary Andersen

## UMBRELLAS AND CANOPIES

Functional and aesthetically pleasing umbrellas and shade structures make sidewalk cafes comfortable year-round for patrons.

Umbrellas must be contained within the defined sidewalk cafe area. Square or rectangular market-style umbrellas are recommended for sidewalk cafes for space-efficient design. The umbrella fabric should be canvas or fabric engineered for a long life in outdoor conditions. When open, umbrellas should be between seven and 10 feet tall.

A durable canopy, awning, or shade sail may be installed over the delineated area of the sidewalk cafe. It must be at least seven feet, but no higher than 15 feet from the ground.



**Left: This Italian cafe in the Second Street District includes a canopy/ enclosure, which is closed snug in winter but opened in fair weather, and has festive umbrellas along the street edge.**

**Right: At Lamar Union, this interior street (technically a private drive) is enlivened by its sidewalk cafe, which offers a choice of shaded or sunny tables. The classic bistro style furniture has a small footprint on the sidewalk.**



**Photo credit: Katherine Gregor**



## SURFACE OF SIDEWALK

Within the sidewalk cafe space, the existing sidewalk or paver surface must be maintained. To ensure wheelchair accessibility and prevent tripping hazards, the City prohibits artificial turf or carpet in sidewalk cafe areas. City sidewalks cannot be painted.

PLEASE NOTE: All Sidewalk Cafe requirements, review processes and fees, application evaluation criteria, and host responsibilities listed in this handbook are subject to change. Austin Transportation Department reserves the right to amend any aspect of these guidelines at any time. Applicants who do not find the amended terms acceptable may withdraw their applications.

