

Exhibit H

SIDEWALK CAFÉS

An overview of the regulations governing sidewalk cafés and of the review process for obtaining a sidewalk café permit.



Photo by MV Jantzen

The wide sidewalks found in Washington, DC, commercial areas are well suited for sidewalk cafés. Cafés are one of the best ways to activate city streets and enhance the character of neighborhoods. Sidewalk cafés are where residents and visitors can enjoy good food and good weather, while enjoying our beautiful city. The District encourages restaurants and other qualifying businesses to, wherever feasible, open sidewalk cafés. Since sidewalks are primarily intended for pedestrians and regulated by the District Department of Transportation (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 a welcoming and safe addition to city streets.

Regulations for Enclosed and Unenclosed Sidewalk Cafés

Permit Requirements

No person can operate a sidewalk café in public space until they are 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

Sidewalk cafés must have 15 square feet for every seat within their 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 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



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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 an adjacent clear and unobstructed passageway not 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 to 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).



Unenclosed cafés are open to the sky and all sides.

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 days that are unseasonably cold, unseasonably warm, or rainy, 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 8:00 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.



Sidewalk cafés need to allow adequate space for pedestrians.

Enclosing Structure

An enclosed sidewalk café may utilize 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



Enclosed cafés must have transparent walls.

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).

Approval Process

Sidewalk cafés occupy public space that is typically set aside for pedestrians. To make sure the interest of the public is protected, applications are reviewed by multiple District agencies and the local Advisory Neighborhood Commission. 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 the DDOT Public Space Permit Office after approval by the Public Space Committee. To be considered by the Public Space Committee, all applicants must submit a completed public space application to DDOT's Public Space Permit Office. The Public Space Committee meets on the 4th 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 may be approved on the Committee's consent agenda.

Some sidewalk cafés may need more than one permit:

- 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)

For More Information...

Contact DDOT's Public Space Permit Office at 202.442.4670 to learn more about sidewalk café application requirements and the Public Space Committee review process.

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.