

Sidewalk Café Guidelines

January 2023



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1. INTRODUCTION

1.1. What is a Sidewalk Café?

Sidewalk cafés are designated areas on the sidewalk in public space for outdoor dining. Food establishments are eligible to apply for a sidewalk café. Eligible establishments include restaurants, taverns, distilleries, breweries, wineries, grocery stores, fast food establishments, prepared food shops, and theaters.

Sidewalks are primarily intended as pedestrian walkways, but DDOT permits sidewalk cafes where certain conditions are met because they can have a positive, activating impact on public space. Sidewalk cafés meet the District’s [moveDC](#) goals by promoting the flexible use of public space to improve the quality of life for residents and visitors. These areas enhance neighborhood character, create vibrant community spaces, and provide additional seating capacity for restaurants allowing for a more resilient local economy.

Sidewalk cafés are not Streateries, which allow for outdoor dining in the roadway or alley. For information on Streateries, refer to the District Department of Transportation’s (DDOT) Streatery Guidelines.

Types of Sidewalk Cafes

DDOT allows for both unenclosed and enclosed sidewalk cafés in public space:

Unenclosed Sidewalk Café: any authorized use of public space adjacent to a restaurant that contains tables, chairs, railings, or planters, that is open to the sky and at the sides, but may include awnings or umbrellas, and that can be removed within a 24-hour period (DCMR, Title 24, § 299.1).



Enclosed Sidewalk Café: any authorized enclosure of public space as a temporary structure adjacent to a restaurant that consists of no more than one story constructed primarily of light, incombustible, or fire-resistant materials; that does not restrict egress from the properties abutting the restaurant adjacent to the café; and that can be removed within a 24-hour period (DCMR, Title 24, § 299.1).

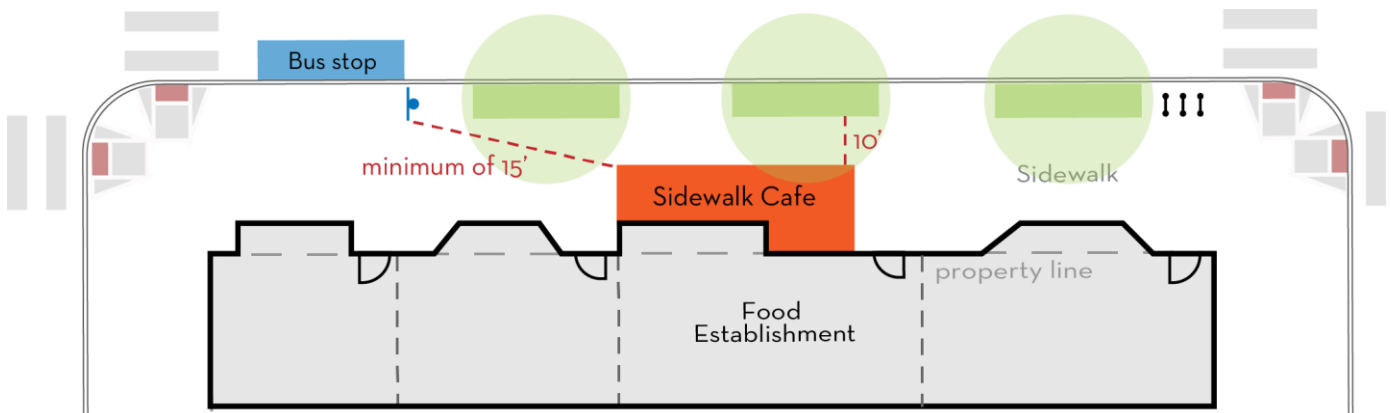


2. DESIGN REQUIREMENTS

2.1. Clear Pedestrian Passageway

A continuous and unobstructed pedestrian passageway must be provided on the sidewalk adjacent to the café. Applicants must provide a clear passageway width of 10 feet adjacent to the café at all points but may be reduced to 6 feet depending on current or anticipated pedestrian activity along a street (e.g., proximity to Metro stops and high-density zoning districts). Staff work with Applicants to determine the appropriate clear passageway width and the Public Space Committee (PSC) makes the final decision (DCMR 24, §§ 204.1, 204.2, and 316.9). Recesses in sidewalk café frontage shall not be used to satisfy clear passageway requirements (DCMR 24, § 311.2). If located at street intersections, cafés must provide clearance of 10 feet from the corner (DCMR 24, § 311.6). Additionally, no sidewalk cafés shall be within 15 feet of a bus stop, bus shelter, or a Metrorail station entrance (DCMR 24, § 311.7).

The clear passageway width 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 café. Trees, streetlight poles, sign poles, fire hydrants, bike racks, and other objects located on the surface space are considered obstructions when determining clear sidewalk space.



2.2 Fencing and Barriers

Fencing and barriers are not required around a sidewalk café. If provided, the height of a railing, fence, or planter (including vegetation) surrounding a sidewalk café is allowed up to 36 inches (DCMR 24, § 315.5). If barriers are not provided, the boundary of the café must be marked with painted white lines not less than 4 inches wide (DCMR 24, § 204.4). Gates must swing inward and not into the sidewalk (DCMR 24, § 103.9).

2.3. Furniture and Fixtures

All furnishings and fixtures (e.g., chairs, tables, umbrellas, lights) shall be readily moveable, non-permanent, and removable within 24 hours. Fixtures must not be bolted or permanently affixed to public space, except that screw sockets may be permitted as a form of anchoring when approved by the PSC (DCMR 24, §§ 312.2, 312.3). Furnishings and fixtures should be arranged to provide exit aisles for each door and do not obstruct restaurant doors (DCMR 24, § 210.1).

Trash cans and other refuse storage containers may not be located within or adjacent to sidewalk cafés (DCMR 24, §§ 314.9, 314.10).

2.4. Flooring

The floor of a sidewalk café must be the same elevation as the existing surface space. For the floor of the sidewalk café to be considered at the same elevation, a floor may be constructed up to 18 inches above where the café meets with the adjoining sidewalk (DCMR 24, §§ 312.5, 312.6).

Artificial turf, carpet, platforms, or any other surface cover in a sidewalk café is allowed on the floor when specifically approved by the Fire Chief and the PSC (DCMR 24, § 315.6). Flooring for spaces with ADA seating should be ADA-accessible.

2.5. Awnings and Canopies

Awnings, canopies, 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 maintain 8 feet from the floor of the sidewalk café. The valance of the awning cannot exceed 12 feet or exceed a horizontal plane extending from the first-floor ceiling of the adjoining building, whichever is less (DCMR 24, §§ 315.2, 315.3, 315.4).

2.6. Seating Capacity

The maximum number of seats within a sidewalk café is dependent on the square footage of the overall dining area and determined by dividing the total square feet of the café by 15. Applicants should always round decimals down to the nearest whole number. This standard is established in the International Building Code, §§ 1004.1 and 1004.2, Table 1004.1.1.

Five (5) percent of all seating must be ADA-accessible. Tables and chairs set up in rows should be separated by at least 3-foot-wide paths and a 5-foot turning radius where ADA seating is present. No seating can be blocked by other café elements such as railing, gates, or planters.

Outdoor seating must be counted in satisfying restroom requirements for the adjacent business, including but not limited to, quantity, access, and location (DCMR 24, § 314.7). This requirement will affect the respective food establishment's Certificate of Occupancy with the Department of Buildings (DOB).

2.7. Food and Serving Standards

Food cannot be stored or prepared in a sidewalk café (DCMR 24, § 314.3). Alcohol cannot be served in a sidewalk café unless the appropriate ABC license and endorsement are obtained by the Alcoholic Beverage Regulation Administration (ABRA).

2.8. Additional Requirements for Enclosed Cafés

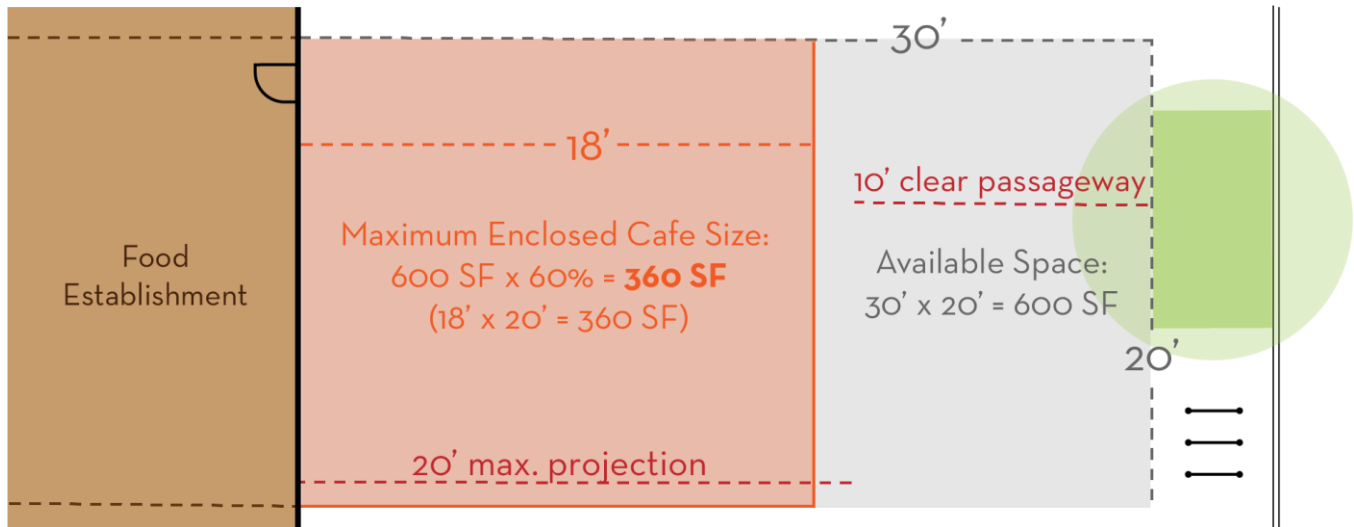
Dates and Conditions

Enclosed sidewalk cafés are intended to be unenclosed for the greatest amount of time possible. Exceptions for when they can be enclosed include unseasonably cold, unseasonably warm, or rainy days,

from October 15th through May 15th. 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, 210.7). Weather information is available at www.weather.gov/washington.

Projections

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). See diagram below for an example of how to calculate the maximum area.



Materials

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, 210.3, 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, 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 its windows opened and so that the enclosed sidewalk café is open 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).

Ingress and Egress

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 to the

sidewalk, public alley, or public space abutting the enclosed sidewalk café and one may open into the abutting food establishment. If two exits are required for the adjacent food establishment, two exits are also required for the enclosed sidewalk café (DCMR 24, §§ 316.7, 316.8).

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 and after receiving the appropriate permits from DOB (DCMR 24, § 210.5).

3. REVIEW AND APPROVAL PROCESS

3.1. Permitting Process

No person may operate a sidewalk café in public space without obtaining the proper approvals from DDOT and the Department of Buildings (DOB). Property owners or food establishments seeking to apply for a new sidewalk café or request modifications to their existing café’s design, ownership, or operations must apply for one of the following public space permits via DDOT’s [Transportation Online Permitting System \(TOPS\)](#). There are several Type Descriptions for a sidewalk café permit to choose from:

New Sidewalk Café	
New Sidewalk Café Enclosed	Permit to establish a new enclosed sidewalk café or unpermitted existing enclosed café.
New Sidewalk Café Unenclosed	Permit to establish a new unenclosed sidewalk café or unpermitted existing unenclosed café.
Change to Existing Café	
Change Size of Café Seating Area	Permit to change the dimensions of an existing café.
Change Café Hours of Operation	Permit to change an existing café’s hours of operation.
Convert to Enclosed Café	Permit to convert an existing <i>permitted</i> unenclosed café to an enclosed café. Other modifications, such as adding furniture, will need a separate permit application. Unenclosed café permit number must be provided.
Add Furniture/Equipment to Café Plans	Permit to add more tables, chairs, and other equipment to an existing sidewalk cafe.
Sidewalk Café Name Change Only	Permit to change café name due to ownership change or other reasons.

All public space permits for sidewalk cafés are required to be reviewed by the PSC, which meets on the fourth Thursday of each month. Applications take approximately 45 to 90 days to process. Filing deadlines for each month’s PSC hearing can be found on their website at <https://psc hearing.dc.gov/>.

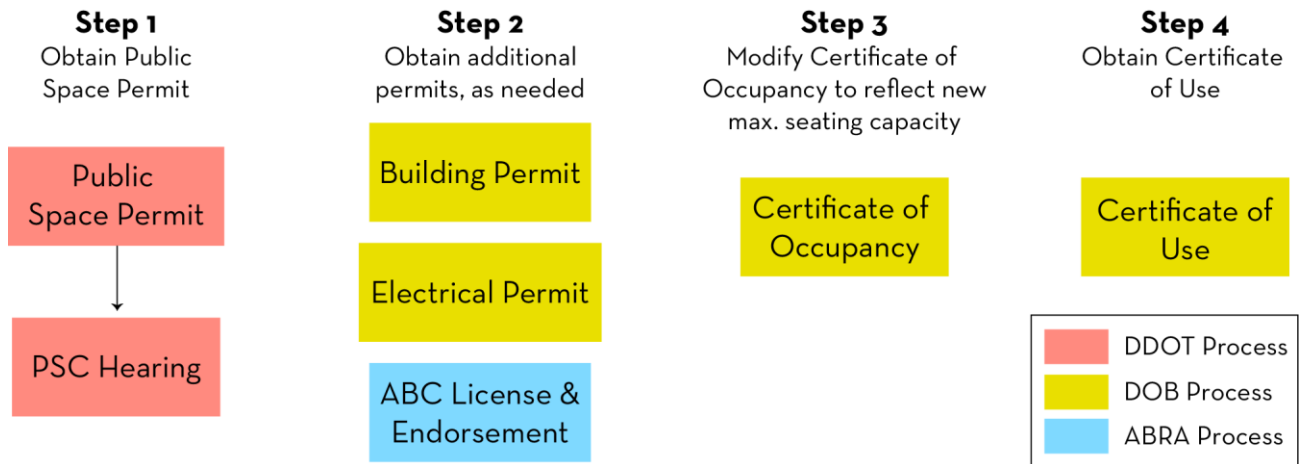
Once the public space permit is approved and issued, the permit must be displayed in a conspicuous location on the front of the associated business where it can be seen from the sidewalk and visible in such a way that it is legible to a person in public space in front of the business (DCMR 24, § 207.13).

Additional Permits

Additional permits or licenses are required depending on the proposed design and use of the café:

Permit	Description	Agency
Building Permit	For enclosed sidewalk cafés	Department of Buildings (DOB)
Electrical Permit	For sidewalk cafés with lighting or electrical fixtures	Department of Buildings (DOB)
ABC License & Endorsement	For sidewalk cafés serving alcohol	Alcoholic Beverage Regulation Administration (ABRA)

Applicants must also modify their Certificate of Occupancy to reflect the new additional seating capacity of the café and obtain a Certificate of Use from DOB. The flow chart below summarizes the overall review process for sidewalk cafés.



3.2. Required Documents

Supporting documentation for the public space permit must be uploaded from a computer to TOPS in a PDF or TIFF electronic format or submitted in person at the permit office via paper copies.

1. A copy of the rental (lease) agreement if someone other than the owner of the property is the permittee.
2. A copy of a valid Certificate of Occupancy for the establishment.
3. A public liability insurance policy covering all use of public space by the permittee.
4. Photographs showing front view and views from the right and left of the entire space proposed for the café, including area immediately surrounding the café space.
5. Site plan drawing, to scale, indicating:
 - a. The amount of public surface space to be used by the café (square footage), including the width and length of the area.
 - b. Configuration of all café elements, including tables, chairs, umbrellas, railings, or other fixtures.
 - c. All existing conditions on the adjacent sidewalk, including tree spaces.
 - d. Dimension from adjacent roadway curb(s) to the property line.
 - e. Dimension from adjacent roadway curb to outer edge of sidewalk café.
 - f. Dimension from edge of sidewalk café to the nearest street intersection.
 - g. Elevation view(s) of any footing details required to construct the sidewalk café.
 - h. Clearly identified restaurant entrance.
 - i. Sidewalk café entrances (2 required by fire code) if a barrier will be used.
 - j. Distance between tables (3 feet for ADA compliance, but 4 feet preferred).
 - k. Elevation views of tables, chairs, and any other objects to be placed in public space.
 - l. Total seating (number of tables and chairs) and total square footage.
6. If approval by the U.S. Commission of Fine Arts (CFA) or the D.C. Historic Preservation Review Board is required, as determined by each of those boards respectively, the applicant must submit those approvals with the public space permit application.

3.3. Certificate of Notice

After submitting a public space permit, Applicants must provide appropriate notice of the application by clearly posting a Public Notice on the food establishment associated with the proposed sidewalk café. A notarized Certificate of Notice demonstrating compliance with the notice requirement must be submitted to the Public Space Committee Coordinator at least one week prior to the Public Space Committee hearing on the application.

3.4. Maintenance and Enforcement

Applicants are responsible for maintaining their sidewalk café in compliance with the District of Columbia Municipal Regulations (DCMR) and permit conditions. Non-compliant sidewalk cafés may be subject to enforcement actions including, but not limited to, fines, permit restrictions, or revocation of the public space permit.

3.5. Fees

Sidewalk café permits are subject to the following fees:

Type	Cost
Application Fee	\$260
Unenclosed Sidewalk Café Annual Public Space Rental Fee	\$5/sq. ft.
Enclosed Sidewalk Café Annual Public Space Rental Fee	\$10/sq. ft.

Applicants must pay their annual public space rental fee to the Office of Tax and Revenue (OTR). Please call 202-727-4829 for more tax information. Checks or money orders should be made payable to “DC Treasurer”. Discover, MasterCard, and Visa accepted.

APPENDIX 1

EXAMPLE SITE PLANS

