

Motion:

To create a streamlined application and permitting process for patios as an accessory to existing restaurants, cafes, and pubs.

Rationale:

Physical distancing measures will be required until a vaccine or treatment is available for Covid19. Many small businesses are in dire straights due to take-out only restrictions on restaurants and people limiting themselves to essential trips only, per the provincial Health Officer.

Ensuring a clear and simple path for adding patio space, which will allow for outdoor physical distancing, will help our small businesses survive and recover as we adjust to the “new normal”.

Patio space should be considered for private property, including parking facilities, and public street parking, with no consideration of sidewalks. Permitting and licensing costs should be minimal and approval times accelerated to encourage uptake of the patio program.

Hours of operation, temporary relaxation of zoning parking requirements, and temporary relaxation of restroom to occupancy load requirements should be additionally considered.



STREET PATIO HANDBOOK

City of Austin, Texas



About Street Patios

A street patio is an extension of pedestrian space that enlivens the public realm. Sometimes dubbed “parklets,” these amenities have proven popular and filled a need in cities around the country and the world. By converting street space to a use that serves people rather than vehicles, parklets make cities more welcoming and people-friendly. They support local businesses, create a sense of place in neighborhoods and business districts, beautify the streetscape, and create walkable destinations for residents. They create a people-oriented amenity in street space previously dedicated to vehicles.

Austin City Council Resolution No. 20120322-067 directed the creation of “a program allowing businesses to lease adjacent parking spaces for retail uses.” The City refers to the leased space created as a “street patio.” In 2014, street patios were incorporated into the City’s standard temporary sidewalk café permitting process.

A street patio is funded, operated and maintained by a private business that holds the permit. A business licensed to serve food and beverages must be the permit holder. As with any sidewalk café operated by a restaurant, typically no outside food is allowed. At their discretion, permit holders may allow people to bring in outside food.

All visitors are welcome – as customers during operating hours, and for general public use when the hosting establishment is closed. For the City, this is a cost-effective way to partner with local businesses to activate streets, create more vibrant neighborhoods, and promote economic vitality.

Currently, the City of Austin permits only street patios (as temporary sidewalk cafés) that are hosted by a single building tenant or owner, who holds the permit. In a future phase, the City may develop a program for public parklets that continuously operate as public space, like a tiny pocket park.

Street patios are not considered permanent structures. They are approved under a temporary Sidewalk Café Permit by the Austin Transportation Department’s Right of Way Management Division. Currently, a temporary permit can be renewed for up to five years. In other cities with developed street patio and parklet programs, temporary installations that have proved successful and popular have been converted to long-term use.

About the Parklet Movement

Parklets were born in 2005 in San Francisco. That city now has a robust parklet program with sites in many different neighborhoods; see its website on [Pavement to Parks](#). The concept has spread and been embraced by many cities across the country – from Sacramento, CA to Minneapolis, MN to Roanoke, VA. Parklets with café seating have become a popular way to support vibrant neighborhoods in diverse cities such as Portland (Street Seats), Seattle (Streateries), and Montreal (Terrasses). As in Austin, these programs support local businesses by permitting Street Patios that operate as café space.

The addition of Street Patios may also encourage walking and biking on streets, which can lead to more attractive and inviting commercial districts.

In Austin, a 2012 City Council resolution directed the creation of a Street Patio Program. In 2014, Street Patios were incorporated into the City's standard temporary sidewalk café permitting process.

PROGRAM OBJECTIVES

Provide safe, comfortable, and useful spaces within the public right of way

1. Supply new spaces for community interaction
2. Activate Austin's streets through unique, community-driven projects
3. Encourage walking, biking, and the use of public transportation
4. Support local businesses and promote economic vitality in commercial districts

How to Create a Street Patio

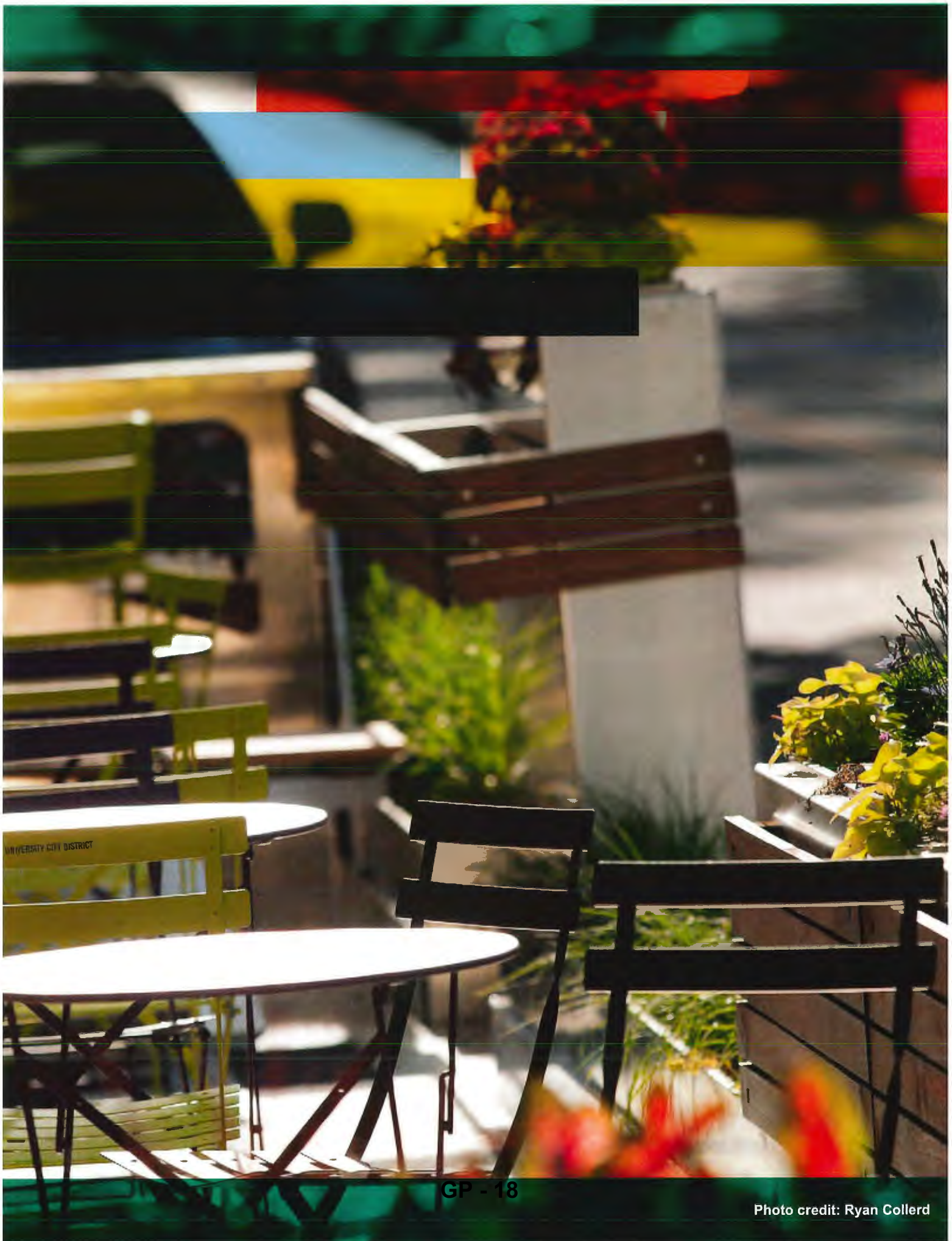
If you're an Austin business owner interested in creating a Street Patio – or a resident interesting in bringing one to your neighborhood business district – this guide is for you. It serves as a supplement to the City's Sidewalk Café Handbook. Please also read the Temporary Sidewalk Café and Street Patio [Application Form](#) (available online), as it contains additional details about the process to obtain the permit needed from the City of Austin.

Not sure whether a conventional Sidewalk Café or a Street Patio is the best choice for your location? The diagram on page 19 provides guidance in making this decision. It outlines the requirements that apply to each type of café. A business may install both a Sidewalk Café and a Street Patio, if both are feasible at the location; however, the two cafés have different fee structures. A Street Patio may be placed alongside a sidewalk café, but it must have its own entrance from the sidewalk. Additionally, at least six feet of a pedestrian passage zone must be maintained on the City sidewalk.

Applicants also should review the Street Patio Support and Maintenance Agreement, which must be signed and notarized as part of the approval process. It is included as an appendix.

A Street Patio serves as an extension of a restaurant or other establishment that sells food and drink. Permitted as a sidewalk café, it is created in street space formerly dedicated to parking spaces. Street Patios function as private space controlled by a host business during its hours of operation. Like sidewalk cafés, they are considered part of the restaurant that provides the food service. Once converted from parking space to pedestrian/café space use, the area is treated by the City as a sidewalk; therefore, it is subject at all hours to the same regulations that govern sidewalks (e.g., laws that prevent loitering or sleeping in the area).

PLEASE NOTE: All Street Patio 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.



I. Planning

Below is a guide to planning a Street Patio that can be permitted by the City and enjoy continued success. A well-planned Street Patio can be a positive and welcome addition to a business district.

NEIGHBORHOOD CONTEXT

A well-designed Street Patio is a neighborhood amenity; to be successful, it will need to be popular with customers and have the support of other businesses and residents in the area. Street Patios work best in places where people frequently walk; food and drink service must be provided. They help to create a more pedestrian-friendly environment, especially in places where sidewalks are narrow and/or other public and pedestrian space is lacking.



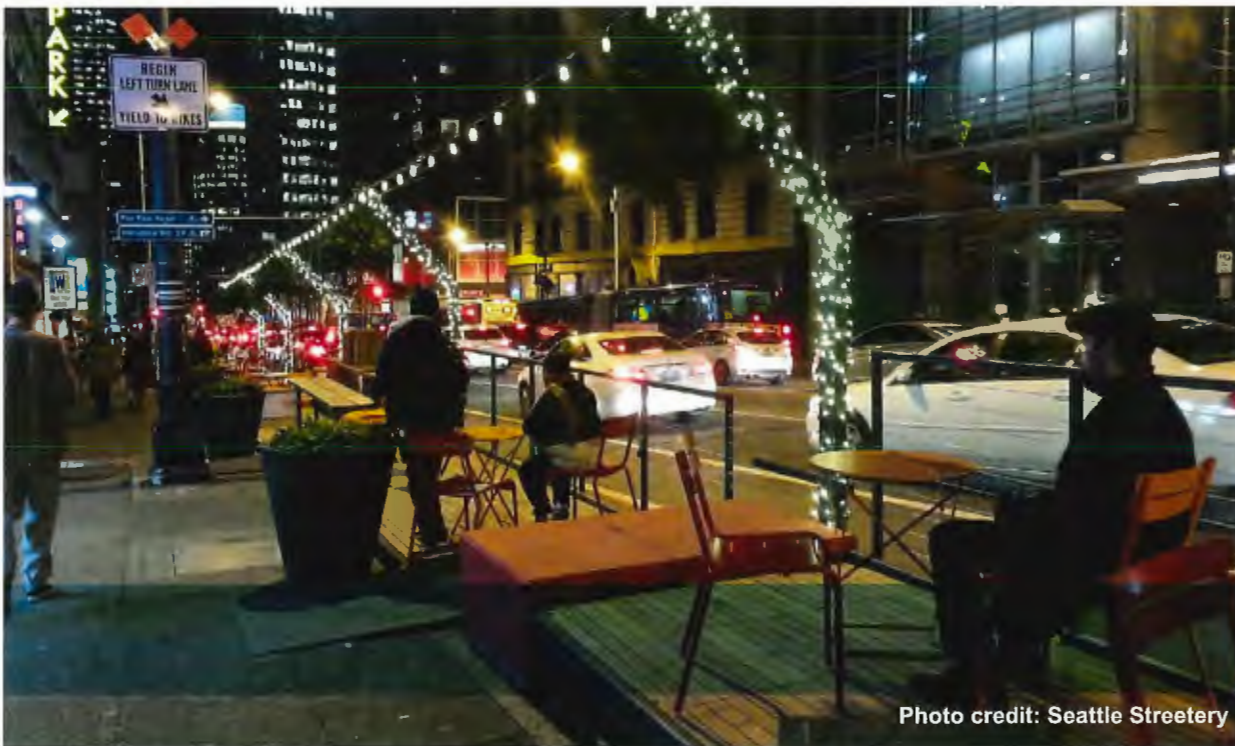
In developing a design concept, consider what people will be doing near your Street Patio, and what might attract them to walk, bike, or take transit to the area. Ideally, the site will be part of a lively neighborhood district or downtown streetscape. Are other sidewalk cafés, food carts/trucks, bike share stations, or people-friendly streetscapes and uses nearby? Are you seeking to build on existing pedestrian activity, or to create some vibrancy where none exists today? Could you partner with neighboring businesses to achieve mutual goals? The goal is to create a Street Patio that becomes popular and beloved by all, so gather plenty of input at the early planning stage.

NEIGHBORHOOD SUPPORT

As the applicant for a Street Patio, take time to communicate the idea and get feedback from neighbors. Build understanding about your project, prior to submitting the application. The more support your Street Patio has from nearby neighbors, the more smoothly the project and ongoing café operations will be. While you don't need the permission of all your neighbors, you do need to contact immediately adjacent and affected neighbors to let them know about your proposed Street Patio. You may wish to share this guide with them, to help them understand the City's program and to work together on any design revisions needed to address concerns.

The permit application will need two letters of support from adjacent neighboring businesses or property owners. Start obtaining commitments and letters of support early on. If the property owner is different from the tenant and/or applicant, please provide a letter of support from the owner as well. Be aware that the property owner and neighbors have the opportunity to file an objection to the project.

Included as an appendix to this document is a sample of a flyer and an email to let neighbors know about your plans to apply for a Street Patio permit.



LOCATION ON THE BLOCK

Consider where your business is located on the block. A Street Patio is only allowed in the parking lane (the parking spaces to be converted) directly adjacent to your building frontage. It typically occupies the length of either one or two parking spaces.

All Street Patios must be sited and designed to keep traffic and pedestrian sightlines clear for safety reasons (see the café structure design guidelines provided). Corner locations can be attractive sites; however, the closer a Street Patio is to a corner, the more complicated siting becomes, due to pedestrian and driver visibility issues.

SAFETY & ACCESS

A desirable site is one where people who use the Street Patio can be safely buffered from traffic. A physical barrier is always required alongside the travel lane. Like other streetscape features with pedestrian activity, a Street Patio can encourage drivers to slow to a safer speed as they pass. Street Patios are not appropriate on major roadways with dangerous volumes of high-speed traffic.

For safety, a Street Patio must be designed so that it does **not**:

- Create dangerous confusion or conflicts between the pedestrian area and vehicle lanes
- Create a traffic safety hazard by interfering with visibility of pedestrians, street signs or signals
- Begin within 20 feet of an intersection or crosswalk
- Block access to a driveway, or sight lines of cars emerging from the driveway

CURB USE

A Street Patio 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 conflicts with a:

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

You may be able to work with the City and your neighbors to move certain types of conflicting uses or zones; please consult the Right of Way Management Division at Austin Transportation Department.

If parking is metered on the block, it is recommended that a Street Patio not occupy more than half of the total parking spaces on the block.

UTILITY CONFLICTS

Streets in Austin move more than people and cars. Under the street run water and sewer lines, electrical and telecommunications conduits, and vaults. City workers and private utility owners need to access these utilities, so **Street Patios cannot block manholes or utility**

boxes/covers. Please inspect the proposed site in advance (both the street and sidewalk). Be aware that if utility providers should need to excavate the street, you may be required to temporarily remove the Street Patio. See the Street Patio Maintenance Agreement for more information.



STREET TREES

Siting a Street Patio near existing shade trees and other landscaping can enhance its appeal. Small trees in containers can be an attractive part of the café design. Be sure to design your project so that it does not interfere with the root system or health of existing street trees. In particular, ensure that your design will not lead people to walk over a street tree's well/pit or through a landscaped area. Conflicts with trees would require a redesign on Congress Avenue and other downtown streets, for example.



COSTS

As the applicant and host business, you are responsible for all costs related to designing, constructing, operating and maintaining a Street Patio.

Based on reports from previous applicants, the total initial costs to create a permitted temporary Street Patio can range from a few thousand dollars to upwards of \$60,000, depending on the design and the materials used.

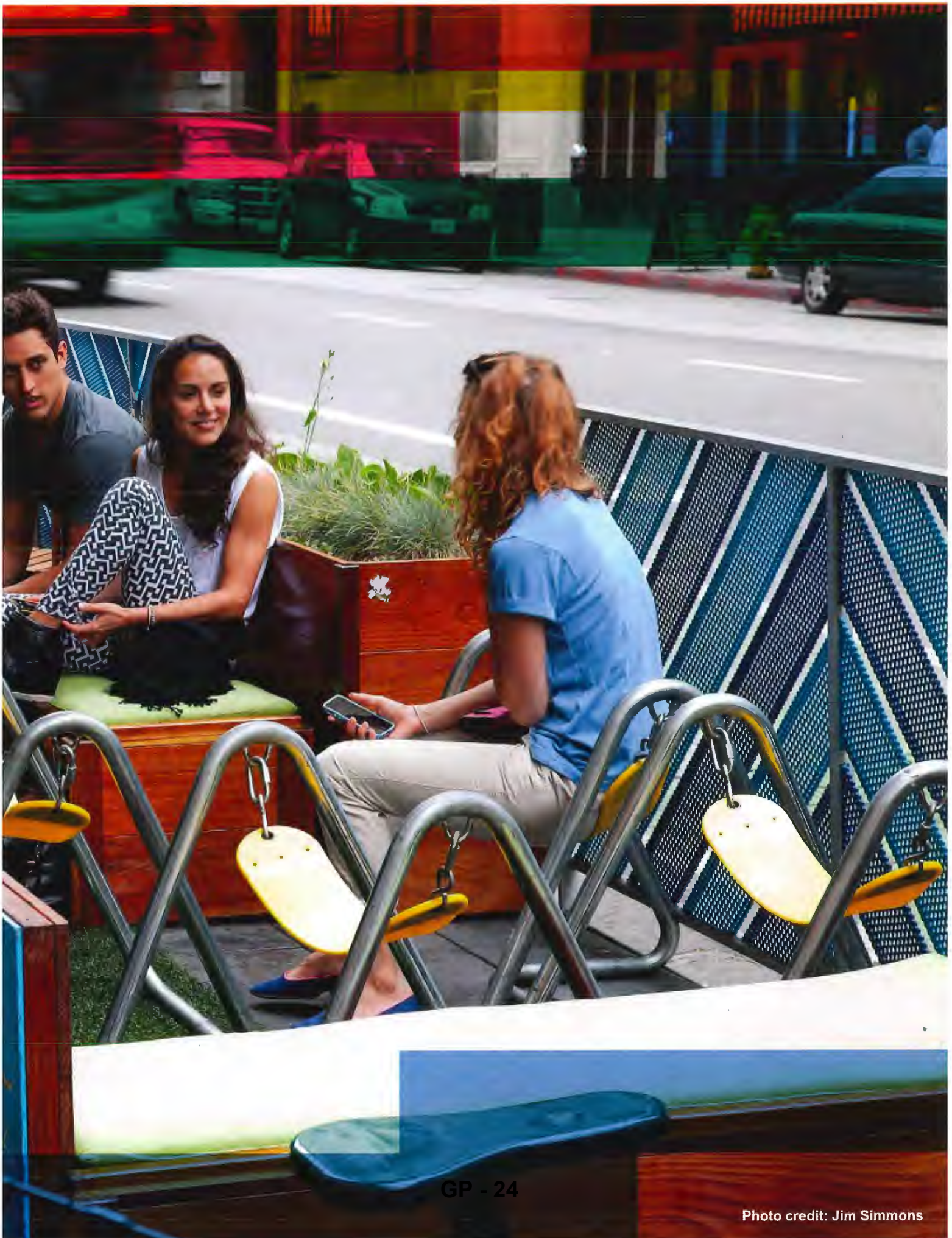
If your budget is tight, consider crowd-funding as an option. Neighbors and friendly customers may be interested in contributing toward the funding of a Street Patio; consider establishing a donation site on a crowd-resourcing platform such as [IOBY](#) (In Our Back Yard).

A Street Patio is a private use of the public right of way, so City of Austin usage fees apply. For a Street Patio, the usage fee is \$2,000 per parking space annually. This fee is consistent with the rates for other dedicated private-sector uses of a parking space on a City street (e.g. valet, car-share). The fees are paid to Austin Transportation Department, which incurs the costs to operate the Street Patio program.

Applicants should also budget for ongoing operations, daily maintenance, repairs and eventual removal of the Street Patio structure. Plan ahead for the staff hours (or other help) needed to keep the area and the structure clean, safe, and attractive daily and maintained year-round.



Photo credit: Ryan Collerd



II. Design Requirements

Street Patios should be thoughtfully designed as quasi-public spaces that are safe, accessible, attractive, functional, and contribute positively to the character of the city and the area. To make your Street Patio a popular and welcoming space, gather ideas from your customers, neighbors, design professionals and other street parklets, such as those illustrated in this handbook.

Carefully select materials that will weather well over time. Sustainable, locally-sourced and reclaimed materials are encouraged and budget-friendly. Address fire safety concerns. For the Street Patio design, consider options for built-in seating, creative artistic elements, and drought-tolerant landscaping in containers. Consider the kinds of activities you want to promote, and those you may want to discourage. How can the Street Patio best reflect the special character of its neighborhood? To ensure a high-quality design and sustainable life-cycle cost, engaging an architecture or landscape architecture firm is recommended; a number of local firms are experienced in developing design concepts and specifications for Street Patios and sidewalk cafés. Keep in mind that the plans must be submitted by a licensed professional. If your budget is tight, consider engaging design or architecture students who may be eager to help and are working under the guidance of a licensed professional.

Please refer to illustrations included in this handbook to better visualize the design requirements and communicate them to your team, including the fabricators and installer. The section on Technical Development that follows provides additional information about construction and installation.

FOOTPRINT

A Street Patio may not intrude into a lane of travel (including vehicle, bus and bicycle lanes).

Parallel and angled parking spaces

Length: The curb-front length of a Street Patio is limited to the host building's frontage. You may make a special request on your application to extend the Street Patio to include a portion of another building frontage. In that case, **please include a letter of support from the neighboring building's tenant and/or owner which explicitly extends permission to occupy parking spaces in front of their building.**

Width: The structure should extend into the street at the same width (between curb and travel lane) as the parking space(s) it replaces, which is typically eight feet wide.

EXTERIOR BARRIER / VERTICAL ELEMENTS

For safety purposes, a Street Patio must have a continuous edge and physical barrier along the travel lane. It must serve to separate the Street Patio from traffic. The barrier may be composed of railings, barricades, planters, and/or a wall with built-in seating. The barrier must be at least 36 inches tall, as measured from the street surface.

Fencing or a railing can be anchored or integrated into the decking structure. Landscaping containers and/or seating may be integrated into the fencing or wall as well.

Overhead weather protection, such as shade umbrellas or structures, is encouraged. Overhead features may not extend into the street's travel lane. If they extend over the curbside edge, they must provide at least 8 feet of clearance for people walking, as measured from the sidewalk.

BUFFER

To ensure visibility and to protect your Street Patio from parking cars, the City requires a four foot buffer on both ends of the Street Patio.

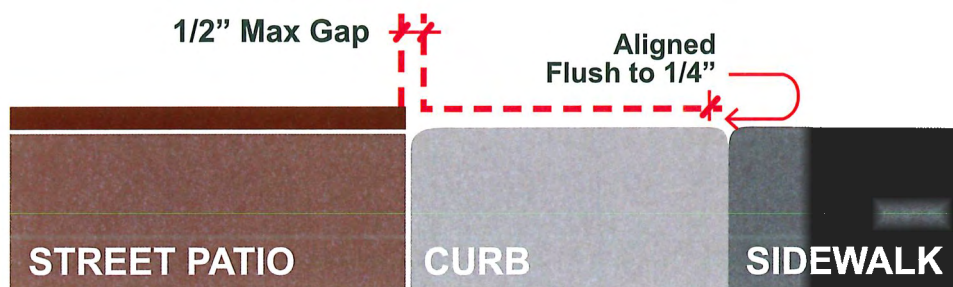
Wheel stops must be installed at the back of the buffers to prevent people from parking too close to your Street Patio. To enhance visibility, reflector posts are recommended at the outside corners of the buffers.

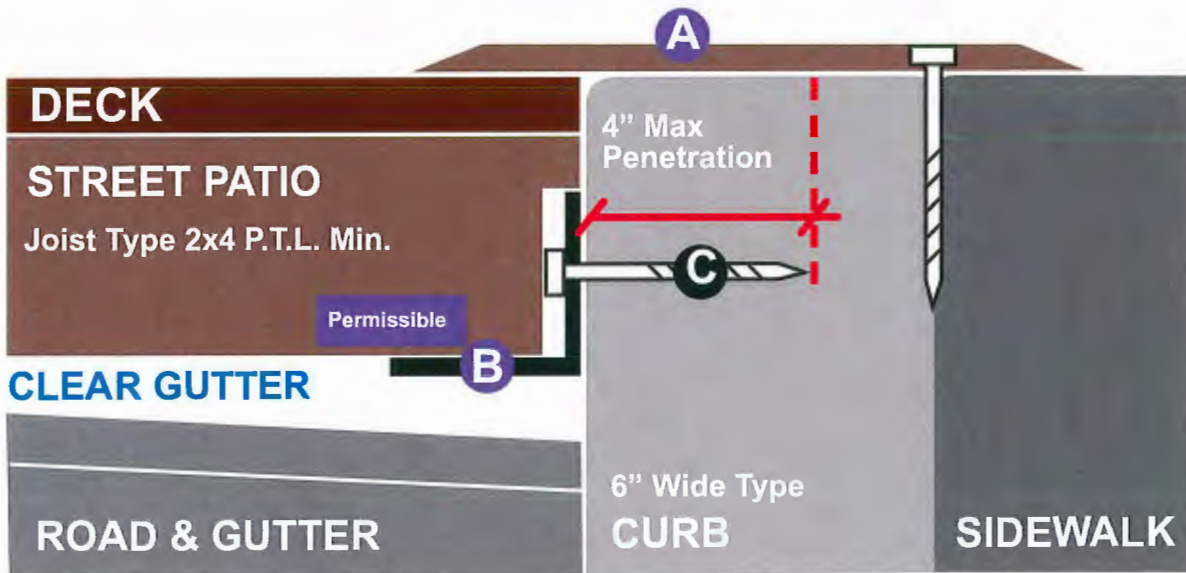
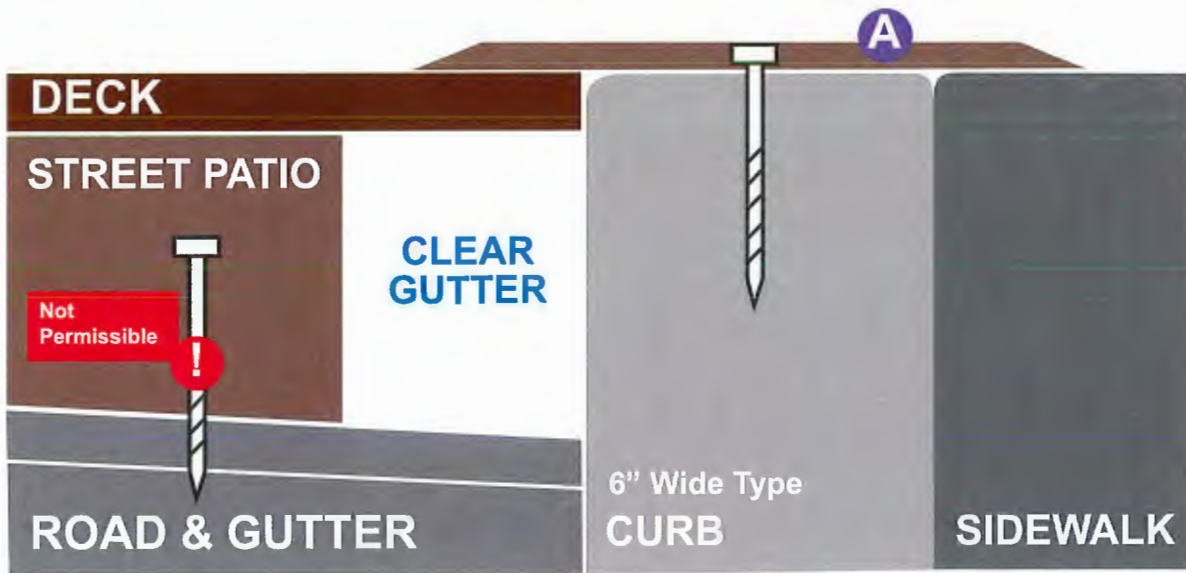
These buffer areas don't have to remain empty space, though. You may install a bike rack, large planter, or other features within the buffer zone as an added amenity.

FRAME AND DECK

A Street Patio requires a structural foundation that rests on the street surface. To qualify as a temporary structure under the City's Sidewalk Café ordinance, this frame can be attached to the street or curb only with a single bolt in each corner of the deck (four bolts maximum). Please see the bolting illustrations below:

THRESHOLD & PLATFORM SURFACE





The top of the Street Patio platform must be flush with the sidewalk with a maximum gap of 1/2 inch between the curb and the top of the deck.

Most Austin streets slope upward from the gutter towards the centerline of the street. The gutters are typically edged with a six-inch-high curb. This ensures that stormwater flows towards the curb and gutter during a rainstorm. The curb is intended to prevent water from jumping the curb and flooding adjacent buildings. Applicants and designers are strongly advised to take field measurements before beginning design to ensure the proposed platform solution will fit within the allotted space and satisfy all slope and accessibility requirements for the finished deck.

The Street Patio cannot impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the Street Patio with screens to prevent debris buildup beneath the deck and in the gutter.

As a temporary structure, the frame and deck should be built to allow for easy removal. (For example, it could need to be removed for future street reconstruction, utility work, failure to abide by City regulations, or it may be decommissioned after a new tenant moves in). Wood frame, steel frame, or pedestal support systems are recommended. Concrete may be used; however, a plastic slip-sheet or similar material must be used to prevent the concrete from binding to the street.

MATERIALS

The Street Patio should be constructed of high-quality, durable, non-reflective, and aesthetically pleasing materials. Steel, finished woods, salvaged building materials, and sustainably sourced materials are recommended.

All walking surfaces should be non-slip and weather resilient to ensure safety and accessibility. Lumber, wood tiles, or precast concrete pavers are good choices for the Street Patio platform surface.

Since Street Patios are intended to be temporary structures, consider the potential for eventual recycling or reuse of materials.

ADA ACCESSIBILITY

The design must include at least one ADA-accessible seating area per parking space used. This seating area must accommodate a 60-inch turning circle for a wheelchair. Movable chairs and tables can be placed within this area if they are removed as needed to accommodate disabled persons. The entrance to the Street Patio must be a minimum of 36 inches wide to accommodate a wheelchair.

AMENITIES

Seating:

All Street Patios may include built-in seating, which can be integrated in a variety of creative ways. These seats can be attached to the decking structure.

Comfortable places to sit are important to create welcoming and inviting public spaces. Movable seating is recommended as well; chairs or stools can be removed and stored inside at the close of business, or locked with cables to the structure.

The Street Patio and its furnishings will be open to the public when the business is closed. As such, they should be highly durable and appropriate for the public realm.

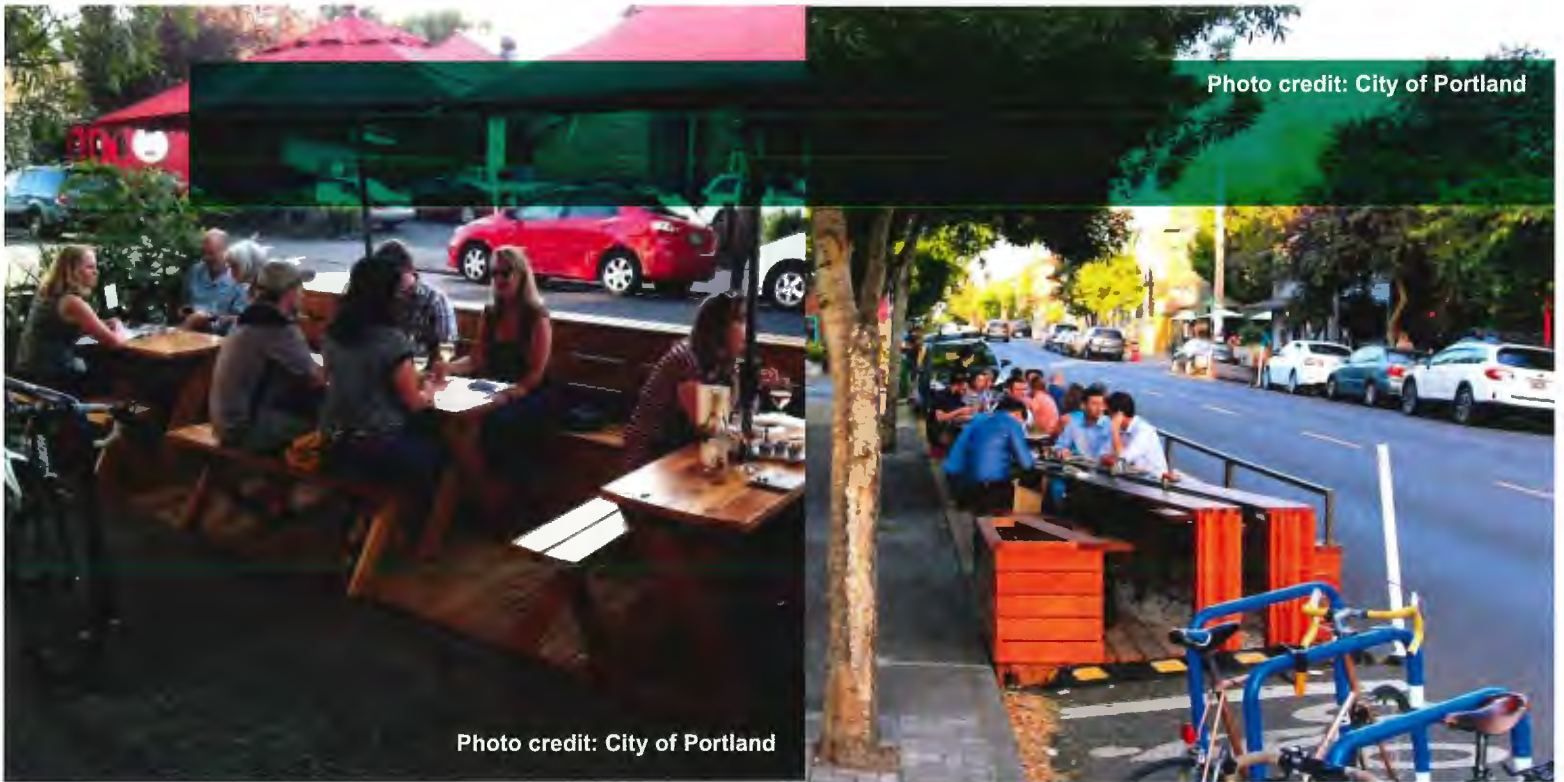
Landscaping:

Landscape plantings make the space more people-friendly and can serve as a pleasant buffer from traffic along the street-facing Street Patio edge. Drought-tolerant and native plants are strongly recommended. Landscape elements may be incorporated in large pots, decorative

planter boxes, hanging planters, green walls, or raised beds. Large planters can serve as part of the required barrier between the Street Patio and traffic in the travel lane. These could be used for small evergreen and flowering trees, for example. Select container materials that will retain moisture in the summer heat; adequate drainage is also needed. Adequate soil volume will protect plant health and reduce the need for watering; plan ahead for ongoing watering needs. Consider edible plants such as herbs and plants with fragrance, texture, color and seasonal interest.

Bicycle Parking:

Fencing or railings are likely to be used by bicyclists as handy places to lock up their bikes; the design should anticipate this use. The Street Patio design can also incorporate a separate bike rack, or a specific feature (e.g. metal loops) suitable for attaching bike locks. Applicants may also request that the City install a bike rack on the sidewalk next to the Street Patio.





III. Application Process

The Austin Transportation Department Right of Way Management Division reviews applications for Street Patios. The application form is available [online](#) and may be picked up at the office at 3701 Lake Austin Boulevard, Austin, TX 78703, between 8 a.m. and 1 p.m. on weekdays. When completed, it may be mailed to this location or delivered during these hours. All elements described below must be submitted together.

Application Form: Prepare a short description of your Street Patio to help reviewers understand what you're planning for the space. The application asks for detailed information such as the proposed location and specific parking spaces desired, the specific hours that your establishment (and thus the Street Patio) will be open for business, and whether you have a Texas Alcoholic Beverage Commission (TABC) license and intend to serve alcohol.

See the application form for further details about the City process for submittal, review, and approval.

Letters of Support: A street patio applicant may be required to furnish two letters of support from adjacent neighboring businesses or property owners. If the applicant is not the property owner, they must lease space in the building.

Photos: Include at least three photos showing the current parking space(s) to be converted into a Street Patio, along with the adjacent street and sidewalk. At a minimum, please provide one photo from across the street and one photo from each end of the proposed Street Patio.

Historic and Landmark Districts: In the following areas with a Historical Designation, an applicant must obtain prior approval from the Historic Preservation Office.

- Fifth Street (From Neches Street to Red River Street)
- Sixth Street (From I-35 to Lavaca Street)
- Trinity Street (From Sixth Street to Seventh Street)

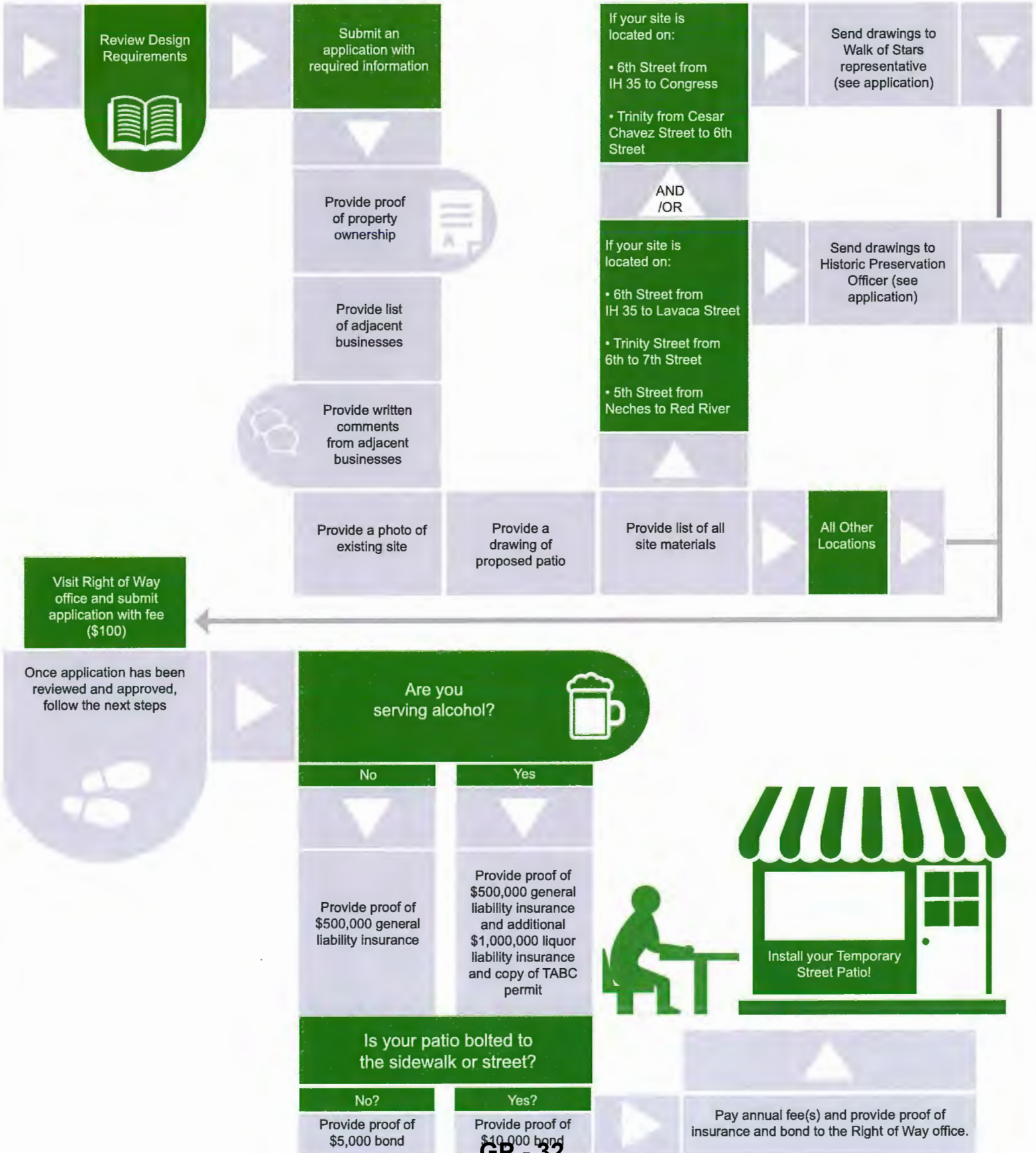
Contact the Historic Preservation Office early in the design process; incorporate their feedback into your design to expedite approval. The Historic Preservation Officer may be reached by calling 512-974-6454. Include a letter or email from the Officer approving your design with your application packet.

LIABILITY INSURANCE

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 applicant must add the City of Austin as an "additional insured" to the policy.

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 café is removed. For more information, please see the [Right of Way Requirements for Insurance, Bond, and License](#).

PERMIT PROCESS FLOWCHART





IV. Technical Development

CONSTRUCTION DOCUMENTS

With your application, please submit a complete set of construction documents that are drawn to scale, showing the dimensions, materials, assembly details, and landscape plan for the Street Patio. Keep in mind that the plans should be submitted by a licensed professional.

Prior to submission, check to ensure that construction documents include:

1. LOCATION AND CONTEXT PLAN

Show the Street Patio in relation to the surrounding context, including buildings, property lines, driveways, bike and traffic lanes, and street features (e.g., trees, utilities, fire hydrants, bus shelters). This plan must specify the dimensions of the footprint, the width of the adjacent sidewalk, and surrounding parking spaces.



2. DETAILED SITE PLAN

This top-view drawing of the Street Patio must show the dimensions and its various elements. Provide details on the specific materials (including plants).

3. ELEVATIONS

These side-view drawings must indicate dimensions (including height), materials, and buffers.

4. CONSTRUCTION DETAILS

The construction detail diagrams should show the nuts and bolts (literally!) of how you plan to

assemble the Street Patio. Detail the hardware and fasteners to be used in the construction process. Detail how storm water will drain and flow along the curb.

5. DETAILED FENCING PLAN

This plan should contain diagrams showing how your Street Patio fencing will be assembled and secured. You should list the type of materials that will be used and provide dimensions.

V. Permit Issuance & Fees

After the technical review of construction documents is complete and approved, the City will issue your temporary use Street Patio permit.

The permit fee is \$2,000 per parking space annually. The fee can be paid in person at Austin Transportation Department's Right of Way Management Division, 3701 Lake Austin Blvd., Austin, TX 78703 between 8:00 a.m. and 1:00 p.m. Monday through Friday. The annual \$2,000 permit fee for each parking space is in addition to the initial \$100 application fee.

An applicant can obtain a permit for up to five years by paying the total amount of fees, due for multiple years, upon approval.



VI. Installation

Upon issuing the permit, staff will advise you on site-specific considerations. These include:

- Plan to spend as little time building in the right of way as possible, by starting construction off-site. Contractors can prepare materials and build the frame offsite before delivering it to the project site.
- Prior to starting construction, you will be responsible for placing temporary No Parking Signs adjacent to the parking spaces to be converted. This is a two-step process that requires you to rent “No Parking” sign easels from a traffic control vendor, then attach a self-verification form to the easels. The signs must be placed in the right of way 72 hours in advance of the day you start building. Ensure that no cars are parked in the spaces to be converted, on the day of the build. City staff can provide guidance.
- You are responsible for ensuring that all adjacent street trees are protected during construction. The tree root zone should not be used to stage equipment or stockpile materials. Tree protection fencing should be used to mark a minimum four-foot tree protection root zone around the trunk.





Photo credit: Ryan Collard

VII. Maintenance

Street Patio operators manage and are responsible for all maintenance duties and costs to keep the structure in good condition. Clean your Street Patio and the surrounding area on a daily basis, clear the drainage channel as needed, secure movable furniture at night, and repair any damage to the site. Proper maintenance is a condition of the permit, per the maintenance agreement signed before the permit is issued. A copy of this agreement is found in the Street Patio Permit Application.

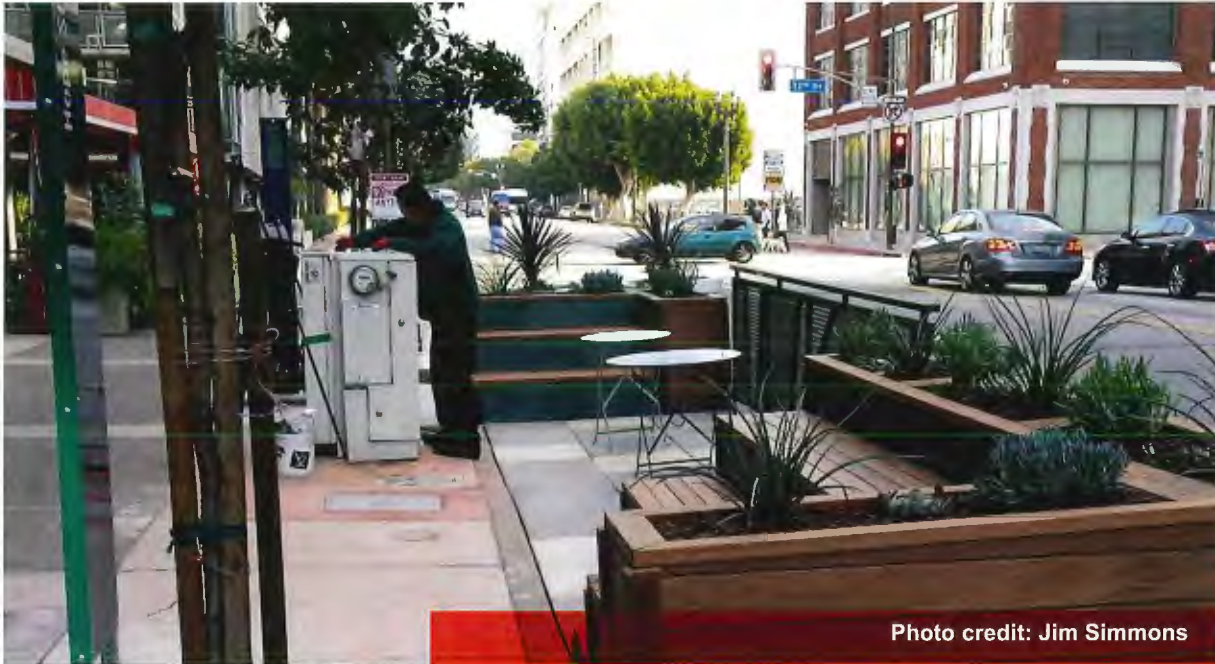


Photo credit: Jim Simmons

VIII. Permit Renewal

The permit must be renewed and the fee paid once a year. Alternatively, permits can be issued and paid for up to five years in advance. You will receive a renewal notice and invoice prior to the anniversary date of your permit.

An inspector will visit your Street Patio around the time of permit renewal and will work with you to ensure that any maintenance, safety, or accessibility issues get resolved. Make sure your liability insurance policy is up to date before renewing your permit.

IX. Street Patio Removal

A Street Patio must be constructed and installed such that it can be easily removed when needed. In rare circumstances, the City may require that you temporarily or permanently remove your structure. You must be able to do so within 30 days of the notice. Faster removal may be required for emergency work. As the Street Patio host, you are responsible for all costs and labor associated with the disassembly and removal.