

SIDEWALK CAFE CASE STUDY REPORT

JUNE 30, 2021

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image: café in planter, pedestrian mall, iowa city (open sourced)

INTRODUCTION

This report analyzes a variety of cities across the country and their approach to outdoor dining policy. The cities selected are other cold weather cities finding ways to embrace all four seasons, even when the temperatures drop. The case studies present some similar approaches to Iowa City's current policies, and some alternative solutions to similar challenges of promoting and regulating outdoor dining and entertainment.

2020 was a turbulent time for the world as Covid-19, a respiratory disease, ravaged every nation and city—Iowa City was no exception. The pandemic not only impacted people's health but also their livelihoods. Food service establishments, in particular, were forced to close temporarily (multiple times) for the safety of their customers and employees. Some business closures were permanent as a result of the loss of revenue. According to TEF Iowa, within just 5 months of the pandemic, the state of Iowa lost an estimated 211,174 jobs with a total wage impact (including the self-employed income) of over 5 billion dollars. In Iowa City, we've unfortunately seen similar stories of venues with long community histories shutting their doors permanently. Additionally, the 2020 winter months in Iowa reached record lows in both temperature and snow accumulation which further affected businesses throughout the state. If left as is, Iowa's economy is estimated to shrink by over 9% by spring of 2021.

The document looks at current policies surrounding outdoor dining and discusses the impact these policies have on the health of local restaurants, bars, and cafes. It also discusses these policies as a catalyst for placemaking, serving as a draw to bring people outside and downtown throughout the entire year.

The report is organized into three parts:

1. An in-depth analysis of current outdoor dining policies in Iowa City, along with the temporary guidelines put into place during the COVID-19 pandemic
2. Case studies on outdoor dining policies for five municipalities (Chicago, IL; Ft. Collins, CO; Burlington, VT; Traverse City, MI; and Edmonton, AL, Canada)
3. Further considerations for outdoor dining strategies and the conclusion to the report. The final page contains a list of resources related to the subjects of this document, as well as recourses related to winter-friendly strategies.

IOWA CITY SIDEWALK CAFÉ POLICY SUMMARY

Businesses in the Downtown District can expand their retail or café space outside during specific hours of the year. This not only adds to their brand narrative but also helps welcome customers by providing additional experiential options. Food service businesses can provide an outdoor experience while retailers can use the streetscape to draw in pedestrians.

HOURS OF OPERATION:

- Business Zones: 7:00AM-12:00AM
- Riverfront Crossing district: 7:00AM-10:00PM

DATES OF OPERATION:

- **Sidewalk Café:** Year-long; permits expire Jan 31st regardless of issuance date.
- **Street Café:** April 1st until the Tuesday following the last University of Iowa Football game

FEE STRUCTURE:

- Directly on public right of way: **\$5/sq ft/yr**
- On a structure/platform on public right-of-way: **\$10/sq ft/yr**
- Sidewalk café using elevated planter on public right-of-way: **\$10/sq ft/yr**
 - Additional **\$5/sq ft/yr** for area of sidewalk café not located on the elevated planter.
- Sidewalk café on street: **\$5/sq ft/yr + \$10/sq ft/yr** for area located on the platform on the street + daily parking fee per space (city code: **\$20/day**) + Bollard fee.
- Refundable deposit for anchored fencing in public right-of-way: **\$200**
- Refundable deposit for structure/platform on public right-of-way: **\$500**
- Refundable deposit for elevated planter or placement of concrete platform on public right-of-way: **\$1000**
- Fees prorated on quarterly basis if less than one season.
- Electricity fee for lights using city electrical outlets: **\$45/year**.
- Bollard fee: assessed based on usage/installation; min 2 bollards.
- City to determine if more than 2 bollards are needed.
- Recording fee for easement agreement charged by County Recorder.



image: café in planter, pedestrian mall, iowa city (neumann monson architects)

IOWA CITY SIDEWALK CAFÉ POLICY SUMMARY

DESIGN REQUIREMENTS

EASEMENTS:

- Must meet accessibility standards of City, State, and federal law.
- Sidewalk cafes must have a minimum of 8' unobstructed walkway between it and the building, except for in the City Plaza.
- Businesses cannot extend out to sidewalks less than 8' in width, except for in the City Plaza.
- In the City Plaza: 6' minimum unobstructed walkway on all sides of planter except for one side which can be abut the side of a building.
- Sidewalk café area may NOT be located in the street corner area defined by building line extended to the street. Additionally, it cannot be closer than 10' (but more than 2') from an alley unless the fencing within 10' s is less than 20% solid.
- A sidewalk café serving alcohol must share a side of the building of the business. This can be satisfied by a 5' wide pathway connecting the building to the café.
- A café on the sidewalk that does not abut the building must be a minimum of two feet (2') from the curb. Exceptions may be determined by the City Manager or designee.

SEATING:

- Must be fully enclosed from the public way using fencing or similar boundary, except for the café entrance.
- First 3' from the storefront is the exterior merchandise zone.
- Café areas shall either be directly adjacent to or in front of the licensed establishment and require a written lease agreement with the City. The clear right-of-way is 8' +/- depending on the street location and existing sidewalk. The clear right-of-way cannot be less than 6'. Café location in the Ped Mall will be determined on a case-by-case basis.
- Ped Mall cafés may be allowed to extend past the width of the tenant's storefront with written approval from relevant parties.
- The City may allow café seating areas to include portions of City curbed planters or landscape elements, such as trees and plants.

FENCING:

- Fencing shall be constructed of a durable material, such as steel, aluminum, or wrought iron. Wood fencing shall not be allowed. City to approve design.
- Planters with flowers and/or other vegetation can be used in lieu of fencing but design must be approved by the City Manager, or designee, subject to the following limitations:
 - The planters can be either fastened to each other or removed at the end of the day's operation along with other furnishings.
 - Planters must be 27" to 36" in height excluding plantings.
 - The planters must be either metal or have a metal frame.
- Year-round platforms and planters must be anchored.
- City Plaza and on Washington Street, from Clinton Street to Linn Street may not have anchored fencing. Unanchored fences in these locations must be approved by the City Manager, or designee.

PLATFORMS:

- Platforms for sidewalk cafes permitted if approved by the City Manager or Designee. Platforms must be accessible.
- Fencing shall not be more than 3' in height, excluding finials.

PLANTERS:

- Planters are permissible by the city by priority and lottery systems and all costs associated with the café shall be the owner's responsibility.

IOWA CITY SIDEWALK CAFÉ POLICY SUMMARY

STREET CAFÉ REGULATIONS:

- Establishments cannot have a street café if there is not sufficient sidewalk space for a sidewalk café.
- Four feet (4') minimum buffer on either end of the street café.
- Cafes including 4-foot buffer cannot utilize more than thirty percent (30%) of the total parking spaces in that block face.
- Street cafes shall be on a platform. The platform design shall be stamped by a professional engineer or architect and submitted with the application. The platform shall not impede drainage in a street gutter.
- The city does not guarantee to continue authorizing cafes in the street (defined in easement agreement).

SAFETY REQUIREMENTS:

- A transparent, decorative wrought iron or similar metal railing may be located at the edge of the raised area if required for safety but shall be limited to forty-two inches (42") maximum in height.
- Owners must comply with Iowa City Code 6-4, "Noise control."
- Per Iowa City Code 6-6-1, "Open Burning," No person shall allow or maintain any open fire.
 - Exceptions may be permitted, in compliance with fire department guidelines, with a valid open burning permit from the fire department. See Iowa City Code 6-6-2, "Exceptions."
- Smoke free areas include City Plaza (except public alleys) and within ten feet (10') of sidewalk cafes not within the City Plaza.
- Per Iowa City Code 14-5H-5, "Air quality Standards," The emissions of smoke, particulate matter or chemicals into the air must comply with the standards and permitting requirements of the Iowa department of environmental quality and the U.S. environmental protection agency.

ADA:

- Per Iowa City Code 14-2G-4, "Frontage type standards," establishment frontage must comply with all applicable state and federal laws, including but not limited to, the Americans with Disabilities Act, Section 508 of the Rehabilitation Act of 1973 and the Iowa Human Rights Act.
- Where accessibility standards cannot be met using the standards herein, the FBC Committee may approve deviations to allow adherence to Americans With Disabilities Act (ADA) standards. Deviations may include lowering the height requirements of frontages and finished ground floor elevations and accommodating wheelchair accessible ramps. (Ord. 16-4675, 9-20-2016)

SEASONAL AMENITIES:

- Tents or similar temporary enclosures, solid or glass framed enclosures (whether permanent or temporary) are not allowed in the sidewalk café area. (See Temporary COVID-19 Winter Regulations for new policies).

CLEANLINESS

- Café owner is responsible for trash removal and shall maintain the area and surrounding six feet (6') in a clean and litter free manner during all hours of operation.
- Owners are responsible for keeping plant growth from obstructing public right-of-way.
- In the case of graffiti vandalism, establishment owner is expected to abate the "public nuisance" within 7 calendar days.

IOWA CITY TEMPORARY COVID WINTER REGULATIONS

TEMPORARY COVID WINTER REGULATIONS

- The use of the temporary structures or winter modifications will be allowed through February 28, 2021. The City will follow existing building codes for any temporary structure proposed. Upgrading wind breaks, placement of temporary heaters, lighting and other upgrades are also encouraged and will be supported by the City of Iowa City.
- The City will not apply Energy Code requirements to projects unless there are substantive fully enclosed structures where requirements are needed. It is recommended that any fully enclosed, substantial structure aim to fall below 3.4 Btu/h x square foot or 1.0 watt/square foot of floor area.
- Equipment supplying heat needs to meet energy code standards.
- Air flow considerations are encouraged and should follow the Public Health COVID-19 safety standards for restaurants.
- Wiring can be brought out to the temporary structures provided it meets NEC.
- Structural or manufactured wind breaks (e.g., clear poly) ideally should meet a 115mph wind speed.
 - If the patio upgrade is structural, a licensed professional's stamp is needed.
 - If the windbreak is prefabricated flexible clear poly tarp or other, use of the manufacturer's recommendations will suffice. In the case of commercial premanufactured materials-- if the design wind speed is less than 115 mph, the café owner must provide the City with a certificate of insurance naming the City as an additional insured and the description of the coverage of the certificate must make it clear that the temporary structure is not designed to withstand 115 mph. Additionally, it needs to be removed prior to a wind event exceeding its design.
- The City will consider allowing anchoring items on Washington Street and the Ped Mall to meet wind loads if another practical anchoring solution cannot be found.



image: winter shelter for micky's irish pub, iowa city (neumann monson architects)



image: icdd winterization guide (iowa city downtown district)

CASE STUDY: CHICAGO, ILLINOIS

Chicago has been paving the way for business winterization standards with their pre-pandemic, annual outdoor dining operations. When Covid-19 hit and winters worsened, the City of Chicago hosted a Winter Dining Challenge (<https://www.openideo.com/challenge-briefs/chicago-winter-dining-challenge>) to promote safe outdoor dining and entertainment. The challenge garnered over 600 submissions of varying ideas. To supplement the winter dining challenge, the Illinois Restaurant Association, in collaboration with Doordash, provided a \$500,000 grant to help cover winterization costs.

HOURS OF OPERATION:

- Outdoor Dining areas: 8:00 a.m. to 12:00 p.m. unless otherwise specified on permit.
- Liquor establishments that do not serve food: 12:00 p.m. to 11:00 p.m.

DATES OF OPERATION:

- Year-round (12 months), renewed annually.

FEE STRUCTURE:

- 75 percent permit fee reduction during COVID-19 pandemic.
- Fees are determined based on the size of the sidewalk café and land values. The minimum cost for a sidewalk cafe has been reduced from \$600 to \$150.

DESIGN REQUIREMENTS:

- Temporary outdoor structures, including tents, are allowed on private property or the public way under the following regulations:
 - Must have at least 50% of the sides open to allow air flow.
 - Anything less is considered indoors and not allowed under the latest state mitigation measures.



image: fulton market's igloo village, chicago (chicago tribune)

CASE STUDY: CHICAGO, ILLINOIS

DESIGN REQUIREMENTS (CONT'D):

- Department of Buildings (DOB)-issued permit required for outdoor structures over 400 square feet. Permits are typically issued for 60 days but will now be issued for 180 days. For more information, see DOB's [Guidance on Tents for Dining](#)
- Temporary structures must be weighted, anchored, or secured to the ground, but cannot be anchored by screwing, cutting or drilling into the public way.
- Structural materials should have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible.
- Temporary structures are prohibited during severe weather events (wind, snow, etc.) for safety purposes.
- Dining space requirements per Covid-19 guidance
 - Tables must be spaced 6 feet apart and no more than 6 people per table.
 - Limit gatherings 10 or less individuals
- Café's may not be elevated on a platform or planter.

SAFETY REQUIREMENTS:

- All establishments must follow the [COVID-19 Reopening Guidelines](#)
- Follow these additional safety considerations to ensure responsible operations:
 - Must keep heating devices away from combustible materials at all times.
 - Enclosed areas with heating devices must have clearly marked entrances and exits.
 - Must have sufficient fire extinguishers to cover indoor and outdoor spaces.
 - Provide weather plans in writing and training to staff to prevent any injuries in storms, snow, or other unsafe situations.
 - Businesses must post advisory signs regarding increased risk of transmission within enclosed spaces, if such spaces are used.
 - Loud entertainment is not permitted to prevent noise pollution.
 - Establishment owners are responsible for snow and ice removal.
 - Smoking is only allowed within the limits of a Sidewalk Café, fifteen (15) feet beyond any entrance(s), exit(s), window(s) that open, and ventilation intake(s) of a public place or place of employment. No smoking is allowed within the limits of a Sidewalk Café outside of the Sidewalk Café's approved operating hours as noted on the respective permit.

CASE STUDY: CHICAGO, ILLINOIS

ADA:

- All structures must be ADA compliant.
- At least 5% of the tables in each sidewalk café seating area must be ADA accessible (minimum of one table). Accessible tables must be located on an accessible route (see below) and should be dispersed throughout the café seating area.
- Route into sidewalk café must be ADA accessible.

SEASONAL AMENITIES (HEATING, ETC.):

- Heating Devices must meet the following operational regulations:
 - Heating equipment shall comply with existing Fire Prevention Code regulations.
 - A licensed electrical contractor must obtain an electrical permit and install electrically powered heating devices. Electrical heating equipment must be marked “UL listed” or “UL classified.”
 - Natural gas heaters or devices fueled with propane are only allowed in open, uncovered areas.
 - Any heating equipment servicing the sidewalk café is recommended to be at least three feet in any direction from any structure (i.e., building, trees, or furniture) with the minimum distance described per heating device manual.

- Must abide by safety guidelines described in the heating product’s operations manual
- Heating equipment must be disconnected and stored overnight, and employees should be trained in proper installation of fuel tanks and in detecting leaks.
- Establishment owners are responsible for preparation and maintenance of streetscape plans.

CLEANLINESS:

- Establishment owners are responsible for all waste removal while the City will provide street sweeping.

CASE STUDY: CHICAGO, ILLINOIS



image: Chicago Outdoor Dining Challenge, Chicago (OpenIDEO)



image: Outdoor Street Dining Concept, Chicago (RATIO Design)

CASE STUDY: FORT COLLINS, CO

Fort Collins, Colorado, is committed to fostering economic, cultural, and social growth within their city. The Downtown District is managed by the Downtown Development Authority and its primary focus is to stimulate redevelopment, both public and private, in benefit of the community. In response to the pandemic, the DDA expanded regulations regarding right-of-way occupancy to help recoup financial losses.

HOURS OF OPERATION:

- Table service to end by 10pm and outdoor patios to close by 11pm

DATES OF OPERATION:

- Street and sidewalk cafes were implemented in response to Covid and shall remain in effect until the City lifts emergency orders for reduced dine-in capacity.

FEE STRUCTURE:

- Establishment owners shall be responsible for all required permit fees.
- No cost for most right-of-way permits for temporary structures.
- \$60 of six (6) months or \$120 of twelve (12) months for outdoor vendors.
- Closing the public right-of-way may have costs related to securing barricades, developing a traffic control plan, and creating seating areas in the new space.

DESIGN REQUIREMENTS:

- Furnishings and lighting must be freestanding and easily removed. Electrical, building, or fire permits may be needed. Safety measures may be required for outdoor areas.
- All outdoor seating must be spaced at least six feet apart.
- Tents/enclosed structures must have adequate ventilation and heaters are expected to be added to outdoor dining areas during the winter.
- Attachments to City owned properties are prohibited.



image: outdoor dining tents, fort collins (denver post)



image: rio grande mexican restaurant, fort collins (visitftcollins)

CASE STUDY: FORT COLLINS, CO

- Fencing and seating (or any other attachments) may not attach to, or cause any damage to, city owned buildings, or any historic feature.
- Trees are to be protected and tents shall be located a minimum of 3' away from any branches (if pruning is desired then a licensed arborist is required to perform the work). Nothing is to be attached or hung from trees.
- Outdoor dining area must comply with all egress and accessibility requirements per 2018 IBC.

SAFETY REQUIREMENTS:

- A right-of-way inspector will visit the business location to verify safety and mobility of space before considering the closure proposal for the right-of-way.
- Outdoor spaces with heating devices shall always keep devices away from combustible materials.
- Enclosed areas shall have clearly marked entrances and exits.
- Businesses shall have sufficient fire extinguishers to cover indoor and outdoor spaces.
- Establishment owners are responsible for clearing all snow.
- May only operate at 50% of posted occupancy limit and shall not exceed 50 people. Groups shall be limited to 10 people.
- All shared objects such as seating and tables must be cleaned and disinfected between use.

ADA:

- Maintain ADA access at all times in public right-of-way.
- Outdoor temporary dining area will be installed in accordance with all egress and accessibility requirements per the 2018 International Building Code.

SEASONAL AMENITIES (HEATING, ETC):

- Natural gas heaters or any devices fueled with propane must be listed for use within the enclosure and installed in accordance with the manufacturer's specifications.
- Heating equipment should be disconnected for overnight storage, and employees shall be trained in proper installation of fuel tanks and in detecting leaks.
- Establishment shall maintain clearance between heaters and all other objects, including tent sides. Required minimum clearance shall be maintained per the manufacturer's specifications.
- Trees are to be protected and shall be located a minimum of 3' away from any branches.

CLEANLINESS

- Establishment owners are responsible for the sanitation (per CDC guidelines) and cleanliness of their outdoor dining space.

SUSTAINABILITY

- Goals: improve indoor and outdoor air quality, implement climate action planning and reporting, increase recycling and waste diversion and coordinate municipal sustainability activities.
- City is committed to reducing Carbon emissions by 80% below 2005 levels by 2020
- City is committed to Carbon Neutrality by 2050

CASE STUDY: EDMONTON, AL (CANADA)

Edmonton is the largest, northernmost city in the continent resulting in winters lasting for 5+ months of the year. Despite its long winters, Edmonton has been able to change popular (negative) opinion towards winters through its Winter City strategies and initiatives, thus becoming an international example of a successful cold-weather municipality.

HOURS OF OPERATION:

- Liquor service ends at 10pm
- In-person dining must close at 11pm

DATES OF OPERATION:

- Year-long

FEE STRUCTURE:

- Sidewalk Cafes - \$528 for 5 years
- Liability Insurance required by Sidewalk Café License (minimum of \$2,000,000 coverage). Minor Cafés may add coverage under the existing Business License.
- There is no fee for temporary patios while Covid-19 regulations are in place.

DESIGN REQUIREMENTS:

- The Café should reflect the architectural character of the surrounding environment in terms of furniture style, quality of construction, materials and type of fencing for the enclosure.



image: outdoor dining in february, edmonton (city of edmonton)



image: café bicyclette, edmonton (café bicyclette)

CASE STUDY: EDMONTON, AL (CANADA)

DESIGN REQUIREMENTS (CONT'D)

- Incorporate wind blocking strategies.
- Maximize exposure to sunshine.
- Create visual interest with strategic use of color and creative lighting.
 - **Minor Sidewalk Cafés**
 - 8 or less seats shall be allowed.
 - The Sidewalk Café area should not be enclosed by railings or fencing (as opposed to Major Sidewalk cafés).
 - Furnishings and heaters must be stored off Sidewalk café site at the end of each business day to prevent blockage to exits.
 - Minor Sidewalk Cafés may be aligned against an existing eating or drinking establishment or placed adjacent to the curb lane in accordance with setback and pedestrian pathway requirements established by Transportation Services.
 - A demarcated area is preferred over fencing.
 - **Minor Sidewalk Cafes:**
 - More than 8 seats shall be considered.
 - Fencing or railing will be required.
 - Fencing is not required. However, temporary traffic control in the form of pylons, signs and barricades may be supplied by the City of Edmonton or private contractors.
 - Railings or fences should not be more than 1.2 m in height and be generally transparent to allow for visibility and security.



left image: "for the love of winter: wintercity strategy implementation plan"(city of edmonton) right image: "keep the snowball rolling: wintercity strategy evaluation & report" (city of edmonton)

CASE STUDY: EDMONTON, AL (CANADA)

SAFETY REQUIREMENTS:

- All patio owners are expected to keep the area clear of snow and debris at all times.
- 6 people per table maximum – individuals must be from the same household
- Individuals living alone may be seated with 2 close contacts
- Covid-19 Policy:
 - Tables and dining parties must be 2 meters apart or separated by an impermeable barrier that prevent droplet transmission.
 - Floor indications of 2-meter separation recommended.
 - Live performances of any kind are prohibited.
 - Usage of billiards, arcade, video or dart games and video lottery terminals (VLTs) are prohibited.

ACCESSIBILITY (ADA DOES NOT APPLY IN CANADA):

- Use of "Access Design Guide" recommended
 - (https://www.edmonton.ca/programs_services/documents/PDF/AEE-AccessDesignGuide.pdf)
- On-site parking may be used for temporary patio space, except the required number of designated Accessible Parking Stalls, which must remain available for parking use.
- Wheelchair access must be provided to, and throughout, the temporary patio.

SEASONAL AMENITIES (HEATING, ETC.):

- ULC- or CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from City tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.

CLEANLINESS:

- The business owner is responsible for maintaining any structures and equipment in a safe and clean condition and in good repair. This maintenance must include keeping the area free of any potential dangers, including power cords, debris, snow and ice.

SUSTAINABILITY:

- Edmonton recognizes the urgency to reduce the negative effects of Climate change. In response to the impacts of rising greenhouse gas emissions, the city introduced the "Edmonton Declaration" which calls on the community to prioritize the needs of cities to address climate change. In addition to the "Edmonton Declaration," the city developed a strategy and action plan that clearly identifies the issue, solutions for improvement, and goals to become a Climate Resilient city.

CASE STUDY: BURLINGTON, VT

In an effort to support community engagement, encourage walkability and cycling, and increase business and sales, Burlington implemented a semi- to fully-public “Street Seats and Parklets” program. Through this program, Burlington will activate streets and improve financial growth of businesses.

HOURS OF OPERATION:

- In-person dining shall be closed at 10:00 p.m.
- Curbside pick-up, drive-through, delivery services for off-site consumption may continue after 10:00 p.m.

DATES OF OPERATION:

- Application period: February 1st-May 1st
- Installation period: May 15th-July 15th
- Parklets and street seats must be removed from the right-of-way by October 15th.

FEE STRUCTURE:

- Fees are based on the standard encumbrance fee of \$1 per square foot + \$25 application fee.



image: sweetwaters restaurant on pedestrian mall (Vermont biz)

CASE STUDY: BURLINGTON, VT

DESIGN REQUIREMENTS:

- Street Café (“Parklets”)
 - Multiple points of entry along the curbside
 - Seating is set back 2' from traffic.
- Platforms, if any:
 - Threshold with sidewalk must be less than 1/2”
 - Slip-resistant surface.
 - Substructure designed for a minimum of 50 lbs./s.f.
 - Allows curbside drainage of stormwater & uses screens at either end to prevent debris buildup beneath the platform.
 - Constructed off-site and assembled in less time on-site.
 - Not bolted into the surface of the road; includes a restoration plan if bolted into the curb.
- Tents, if any:
 - Anchored to a weight that meets or exceeds 35 pounds in at least 4 different locations. DPW may require additional weights or tie - downs.
 - Within site limits and height adjustable between the street / curb
 - If 200 s.f. or larger, has an approved Tent Permit.
 - Not staked into the ground
- Temporary Pedestrian Plazas
 - When taking advantage of excess space that often exists when roadways intersect at odd angles, consider effects on traffic flow.
- Painted pavement will be considered in lieu of platform. Rugs, turf, and other removable elements must still provide an accessible surface.
- Removable barriers and movable landscaping or planters are allowed.
- If used, lighting is solar powered (or has an approved Electric Permit)
- If used, the cable railing follows Building Codes for spacing between cables.
- No overhead elements or running wires that span the sidewalk.
- Avoid tropical hardwood and virgin redwood.
- No continuous or opaque walls above 42” (allowing views from either side of the street and reducing potential graffiti)

CASE STUDY: BURLINGTON, VT

SAFETY REQUIREMENTS:

- The Department of Public Works will provide and install the required safety elements for parking space encumbrances, including but not limited to 42" cones (4 per parking space). Water-filled jersey barriers may be installed for sites on roadways that have higher traffic volumes and higher speeds.
- Restaurants, catering, food service, and bars may allow 50 percent of fire safety occupancy or 1 person per 100 square feet, with a maximum of 75 people indoors and 150 people outdoors.
- Seating must be available for all patrons and seating must allow for physical distancing of at least 6 feet between seated dining parties. No standing or mingling is allowed. Customers must be seated while consuming food or beverages.
- There must be adequate barriers between the people using the temporary gathering space and motor vehicles on the roadway.
- Must ensure proper sight distances are provided so drivers can see oncoming pedestrians and vehicles. Changes in traffic patterns must be managed with signs, cones and other traffic control devices so drivers are warned as they approach the project location and have clear direction on posted speed and how to maneuver through any modified roadway configurations.

ADA:

- Businesses must comply with the Americans with Disabilities Act (ADA).
- Temporary sidewalk/street cafes that use or connect to an existing sidewalk in any way should be accessible by all including bypass routes for pedestrians that meet ADA requirements for slope, width, ramps, and surface.

SEASONAL AMENITIES (HEATING, ETC.):

- Burlington Electric Department currently is offering a loan program that can be used towards building ventilation upgrades. Small and medium sized businesses in Burlington (with active BED electric accounts) may apply for 0% financing loans to be used for renovations required to reopen safely according to public health guidelines. Certain eligibility criteria may apply.

CLEANLINESS

- Maintenance, trash removal, and cleaning are the responsibilities of the business owner.

SUSTAINABILITY

- Burlington aims to be a Net Zero Energy city by 2030
- The city encourages all community members and workers to adopt the strategies listed in the Burlington Climate Action Plan to reduce the city's carbon footprint.

CASE STUDY: TRAVERSE CITY, MI

Traverse City is dedicated to maintaining an economically healthy and vibrant city center through inclusive neighborhoods and thriving businesses.

HOURS OF OPERATION:

- 8AM-11PM

DATES OF OPERATION:

- April 1st-November 1st
- Street cafes: May 1st-October 1st

FEE STRUCTURE:

- The new application fee for Sidewalk Cafés where no alcohol is to be served is \$350. The new application fee for Sidewalk Cafés where alcohol is to be served is \$400. The renewal application fee for Sidewalk Cafés where no alcohol is to be served is \$200. The renewal application fee for Sidewalk Cafés where alcohol is to be served is \$275.

DESIGN REQUIREMENTS:

- Consider wind break strategies: Use surplus Christmas trees or shrubbery, or build snow walls, or straw bale walls.
- Cafés shall be enclosed by a hard-edge barrier which is anchored, durable, removable, and maintained, unless it is located in a closed street.
- Minimum five-foot unobstructed pedestrian passageway on the sidewalk
- For barriers near the curb, a minimum two feet wide right-of-way must be maintained between the barrier and the curb.
- The Café shall be located within designated street parking areas where 50 percent or more of the parking space is in front of the establishment. A maximum of two parking spaces will be permitted.



image: firefly kitchen and bar (mlive)

CASE STUDY: TRAVERSE CITY, MI

SAFETY REQUIREMENTS:

- Outdoor Café will be open to patrons of the licensee and not the general public.

ADA:

- a barrier will be placed to maintain an unobstructed foot path five feet wide for pedestrians at all times, to ensure compliance with the Americans with Disabilities Act.
- The city established a program called "Snow Angels" where volunteers can provide on-call snow removal services to keep downtown accessible to all.

SEASONAL AMENITIES (HEATING, ETC): N/A

CLEANLINESS:

- Provide voluntary program called "MI COVID-19 Safer Dining" where restaurants can work with a licensed HVAC inspector who will recommend changes to air ventilation.
- holder of a sidewalk café permit shall be responsible for the proper disposal of all waste associated with their sidewalk café occupancy and shall ensure that the waste is removed on a daily basis.

SUSTAINABILITY

- The state of Michigan aims for carbon neutrality by 2050 per Executive Directive 2020-10.

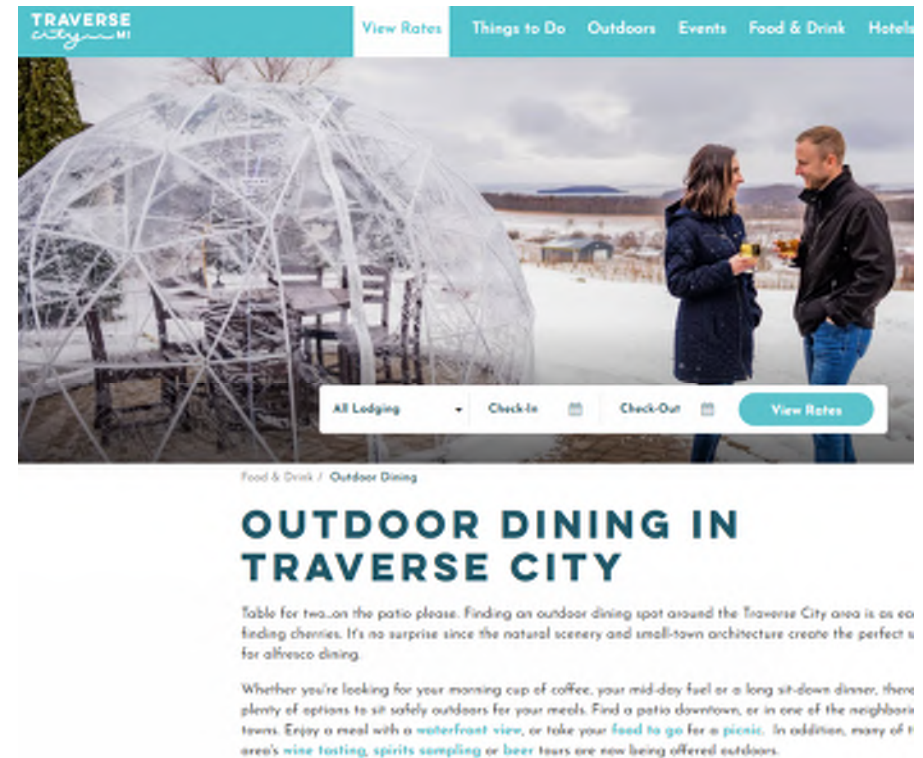


image: outdoor dining promotion on traversecity.com (traverse city tourism)

CONCLUSION - OPPORTUNITIES

The case studies above illustrate a wide range of policy practices and COVID-friendly procedures for eating and drinking establishments within sidewalk and street cafes. The following notes share some conclusions and insights from the five case studies presented:

FEE STRUCTURES:

- Fees for use of City R.O.W. (Right of Way) for sidewalk cafes vary between municipalities. Burlington, VT – like Iowa City – uses a square foot cost for “leasing” space, though at a much lower rate of \$1/sf + application fee. Some cities, including Chicago and Traverse City, MI, use a flat fee structure which includes application fee.
- A simplified, flat fee structure could encourage more businesses to take advantage of the programs.
- Some municipalities also reduced or eliminated fees as part of their COVID practices to incentivize businesses to stay open longer through the colder months.
- Adopt 4-season sidewalk café opportunities into permitting.
- Provide café opportunities for restaurants *and* bars.



ADA/ACCESSIBILITY:

- Of the five case study city's, ADA was consistently addressed in each municipality's local codes. However, the requirements in how accessibility guidelines were implemented varied
 - Barriers around sidewalk cafes: While many cities had requirements for how to enclose sidewalk cafes, not all required them. Edmonton, Alberta – for example – created distinctions between “minor cafes” (8 people or less) and “major cafes” (more than 8). Neither size was required to utilize a fence or barrier, but the major cafes were open to a review by public works to require pylons or temporary fencing.
 - Municipalities who use barriers site cane detection requirements as the impetus. Those who don't do not address the issue – however, cane detection within public spaces does not require barriers around dining tables for the space to be accessible.
 - The sidewalk clear width for pedestrian use also varied, from 5'-0” to 10'-0” wide depending on location and type of patio. Iowa City uses an 8'-0” clear area for pedestrian use.

CITY-DESIGNATED SEATING AREAS:

- Many cities, separate from their sidewalk policy, utilized designated R.O.W. areas for tables and seating areas for consumption of food and drinks. A number of these cases including Iowa City's seating on the Northside were in response to COVID-concerns, though some cities, including Burlington, VT have been implementing these areas since at least 2017.
 - Additional seating could bring other benefits outside the pandemic, creating more places for the general public to congregate and give local artists another canvas to engage with.

CONCLUSION

SUSTAINABILITY:

- Sustainability policies specific to outdoor dining were difficult to find. However, a few municipalities recommended the use of local materials and labor (without defining constraints for either).
- Heating elements were not limited due to CO2 emission concerns within the case study cities. However, France in an effort to curb emissions last summer banned heated terraces for cafes and bars.
- To limit emissions, yet provide heated patios, a potential solution would be city-owned natural gas fire-pits within lottery system for annual usage.
- Infrared, electric heating elements are also recommended, provided the energy usage is offset by carbon credits or renewable sources.

TEMPORARY STRUCTURES:

- The study found a number of municipalities who specify a few brand name temporary structures approved by the building inspection departments and local fire marshal. A coordinated approach to temporary structures provides more control over the aesthetic of the street front and gives the permitting bodies the ability to add a level of predictability to the process.

UPRIGHT SEATING AND PATIO SERVICE:

- Iowa City has always been at the forefront of creating a welcoming outdoor dining culture. As an innovation to current practices, a policy revision to allow high seating and bar service use outside could provide further opportunities to business owners considering the investment in an outdoor space. (See image at upper right)



image: outdoor café with service area (neumann monson architects)



image: outdoor café with service area (neumann monson architects)

CONCLUSION

MAJOR/MINOR CAFES:

- The study identified one city who uses a major and minor café approach. Minor cafes are those of 8 seats or less and are not bound by the same infrastructural requirements as major cafes. Minor cafes allow tables and chairs on the sidewalk without requiring a railing around the space. They are still required to meet the clear pedestrian path dimension.
- For major cafes (more than 9 seats), railings are required.
- This study would recommend a delineation to reduce the financial burden for those businesses wanting to create minimal patio space on the sidewalk.

CODE COMPLIANCE:

- Code compliance is fairly consistent between all case studies, either citing IBC and NFPA requirements or deferring to the local Authority Having Jurisdiction. However, we found varying degrees of compliance with energy code regarding temporary heated structures. Often the structures themselves were not required to meet energy code if they were not fully enclosed.

HEATING ELEMENTS:

- The study found municipalities who allowed heating elements on their patios created various safety policies surrounding their use.
- The heating elements were required to be tested by UL, and in some cases, establishments were required to apply for a separate fire permit to ensure their staff were trained on how to properly use the heating elements.
- Open flame, wood burning features were also seen in some Canadian cities, while natural gas and propane were the primary fuel sources.

DUBUQUE STREET GATEWAY:

- With Dubuque Street serving as the main gateway into Downtown from I-80, this entry corridor provides an opportunity to implement a gateway “amenity” along this street. Between Iowa Avenue and Washington Street, a new streetscape plan could consider adding infrastructural amenities.

CAFÉ LIGHTING ZONES:

- Café lighting zones could be a way to bring aesthetic cohesion to the sidewalk cafes. Creating dedicated infrastructure along Dubuque St. to provide necessary lighting for establishments would allow the City greater control over lighting aesthetics and standardize the type and quality of lighting fixture.



image: permanent fire pit structure; wheaton, illinois (courtesy of genus landscape)

CONCLUSION

PARTNERING WITH PRIVATE BUSINESS:

- The Graduate Hotel's large private patio across from the ped mall playground is an opportunity for year-round programming and patio activation. The City of Iowa City, Downtown District, and the Graduate could partner to ensure this large seating area is utilized throughout the year. One example would be for the City of Iowa City to provide and maintain the seating in exchange for using the space for winter season programming.

WINTER FRIENDLY CULTURES:

- Cities such as Edmonton showed practices around winter outdoor activities and dining that pre-existed COVID. For colder weather climates where the "warm" outdoor dining season is shorter, these locations tend to collectively embrace the cold by implementing policies and practices that encourage outdoor activities. In offshoots of our research we read about various European Cities, locating temporary outdoor ice rinks in centralized spaces near other restaurants and retail. In Vienna, a multi-month skating rink, temporary restaurant booths, and adult beverage huts are set up around the "winter park" encouraging use of people among all age groups. To highlight one of the resources at the end of the report, the Winter Cities Institute provides ideas and other "opportunities to mitigate the negative effects of the winter season while reinforcing the mainly positive aspects to create a vibrant, sustainable and livable environment for a prosperous future." A number of the cities in the report are members of the Winter Cities Institute. Houghton, Michigan – for example – has a winter plan for their city with topics surrounding pedestrian issues and safety.



RESOURCES AND INFORMATION/IMAGE CREDITS

IOWA CITY SIDEWALK CAFÉ POLICY

<https://www8.iowa-city.org/weblink/0/edoc/1580281/SidewalkcafepolicyUpdate%20May%202017.pdf>

ICDD GUIDELINES

<https://downtowniowacity.com/wp-content/uploads/2020/02/200203-ICDD-Guidelines-Web-Version.pdf>

IOWA CITY CLIMATE ACTION PLAN

<https://www.icgov.org/project/climate-action>

CHICAGO WINTER DINING CHALLENGE

https://www.openideo.com/challenge-briefs/chicago-winter-dining-challenge?utm_source=partners&utm_medium=press-release&utm_campaign=chicago-winter-dining

CHICAGO FALL AND WINTER OUTDOOR DINING GUIDANCE

https://www.chicago.gov/city/en/depts/bacp/supp_info/WinterDining.html

CHICAGO EXPANDED OUTDOOR DINING PERMIT FAQ

<https://www.chicago.gov/content/dam/city/depts/dca/Neighborhood%20Festivals/eod/eodfaq.pdf>

CHICAGO SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE

<https://www.chicago.gov/content/dam/city/depts/bacp/businesslicenseforms/pwu/BACPSidewalkCafePermitPackagefinal2019.pdf>

DOWNTOWN FORT COLLINS

<https://downtownfortcollins.org/>

FORT COLLINS BEST BUSINESS PRACTICES: OUTDOOR DINING

<https://www.fcgov.com/business/files/outdoor-dining-faq-final-v3-2.pdf?1612557939>

EXPANDING OUTDOOR DINING DURING COVID-19

<https://www.fcgov.com/business/#cb-38503-5639-0>

CITY OF FORT COLLINS: FALL AND WINTER COVID-19 OUTDOOR DINING GUIDANCE

https://fortcollins.com/wp-content/uploads/2021/01/outdoor-dining-guidance_10092020.pdf

LARIMER COUNTY: SAFER AT HOME LEVEL YELLOW

<https://www.larimer.org/health/communicable-disease/coronavirus-covid-19/safer-home-level-yellow>

FORT COLLINS PERMIT APPLICATIONS, FEES, & FORMS

<https://www.larimer.org/building/permits>

GUIDE TO WINTER OUTDOOR DINING IN FORT COLLINS

<https://www.visitfortcollins.com/blog/post/guide-to-winter-outdoor-dining-in-fort-collins/>

WINTER CITIES INSTITUTE

<https://wintercities.com/>

ALBERTA PUBLIC HEALTH MEASURES

<https://www.alberta.ca/enhanced-public-health-measures.aspx#toc-3>

ALBERTA COVID-19 GUIDANCE FOR RESTAURANTS, CAFES, PUBS, AND BARS

<https://open.alberta.ca/dataset/5d8d3adb-8fe4-417e-9545-b1e49b0a720a/resource/d88dd06b-f5e0-4714-af20-5d9aed5595c1/download/covid-19-relaunch-guidance-restaurants-cafes-pubs-and-bars-2021-02.pdf>

EDMONTON SIDEWALK CAFÉ GUIDELINES

https://www.edmonton.ca/programs_services/documents/Sidewalk_Cafe_Guidelines.pdf

EDMONTON TEMPORARY OUTDOOR PATIOS, SIDEWALK CAFES, AND RETAIL SPACE

https://www.edmonton.ca/business_economy/temporary-outdoor-patios-sidewalk-cafes-and-retail-space.aspx

CLIMATE RESILIENT EDMONTON: ADAPTATION STRATEGY AND ACTION PLAN

https://www.edmonton.ca/city_government/documents/Climate_Resilient_Edmonton.pdf

BURLINGTON, VT: MAKING SPACE FOR RESTAURANT AND RETAIL RECOVERY

<https://www.burlingtonvt.gov/makingspace>

BURLINGTON EXPANDED SIDEWALKS GUIDE

https://www.burlingtonvt.gov/sites/default/files/MakingSpace-ExpandedSidewalksGuide_May2020_v1.2.pdf

BURLINGTON COVID-19 BUSINESS & Nonprofit Guidance

<https://www.burlingtonvt.gov/covid-19/businessguidance>

BURLINGTON BUSINESS SUPPORT

<https://www.burlingtonvt.gov/CEDO/BusinessSupport>

BURLINGTON STREET SEAT & PARKLET PROGRAM GUIDE

<https://www.burlingtonvt.gov/sites/default/files/u459/ProgramGuide%20V7.pdf>

BURLINGTON INTERIM GUIDELINES FOR USE OF PUBLIC HIGHWAYS FOR OUTDOOR EATING, RETAIL, AND PUBLIC GATHERING SPACES

https://accd.vermont.gov/sites/accdnew/files/documents/200622_Guidelines-for-using-RoadwayROW-Final.pdf

BURLINGTON SUSTAINABILITY PROGRAM

<https://www.burlingtonvt.gov/Sustainability>

NATIONAL ASSOCIATION OF CITY TRANSPORTATION OFFICIALS

<https://nacto.org/publication/urban-street-design-guide/interim-design-strategies/parklets/>

CITY OF TRAVERSE CITY SIDEWALK CAFÉ PERMIT

https://www.traversecitymi.gov/downloads/sidewalk_cafe_application_with_changes_final.pdf

EXECUTIVE DIRECTIVE 2020-10 (THE OFFICE OF GOVERNOR GRETCHEN WHITMER)

https://www.michigan.gov/whitmer/0,9309,7-387-90499_90704-540278--,00.html