



**Request for City Council Committee Action  
From the Department of Public Works and the  
Department of Regulatory Services**

**Date:** March 14, 2006  
**To:** Honorable Sandra Colvin Roy, Chair, Transportation & Public Works Committee  
**Referral to:** Honorable Don Samuels, Chair, Public Safety & Regulatory Services Committee  
**Subject:** **New Sidewalk Café Standards**

**Recommendation:**

Adopt New Sidewalk Cafe and Outdoor Smoking Area Standards and Forward to Public Safety and Regulatory Services Committee

**Previous Directives:**

June 7, 2005 T&PW:

- a) Implementation of new Sidewalk Cafe Standards delayed; and
- b) Directive for staff to form a Task Force including representatives of the City Council, the Transportation & Public Works Department, Regulatory Services Department, the Mayor's Advisory Committee for People with Disabilities, and industry and licensee representatives to arrive at a new Sidewalk Cafe Standards Policy that is acceptable to all concerned parties.

**Prepared by:** Doug Maday, Public Works and Ken Ziegler, Regulatory Services

**Approved by:** \_\_\_\_\_

Klara A. Fabry, P.E., City Engineer, Director of Public Works

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Rocco Forte, Assistant City Coordinator, Regulatory Services

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Burt T. Osborne, Director, Regulatory Services, Operations, Licensing & Environmental Management

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Ricardo Cervantes, Deputy Director, Licenses & Consumer Services

**Presenters:** Doug Maday & Ken Ziegler

**Financial Impact** (Check those that apply)

- No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):

## **Background/Supporting Information**

### **Sidewalk Cafe Standards**

As a result of the June 7, 2005 directive to staff from the T&PW Committee, staff formed a task force that met a total of five times during the summer and fall of 2005. Although not every member of the task force is in full support of the revised standards, the majority of the members are in agreement that the compromise that was arrived at is satisfactory to enable a majority of present sidewalk cafes to continue operations with little adverse effect. There are some existing sidewalk cafe areas, however, that will not be able to comply with the new standards (most notably on First Avenue North).

Members of the task force included:

Chair—Doug Maday—Public Works Transportation  
Ken Ziegler—Inspector, Licenses and Consumer Services  
Dan Niziolek--10<sup>th</sup> Ward Council Member  
Doug Kress--7<sup>th</sup> Ward Council Aide  
Mike Jennings—President, Minnesota Licensed Beverage Association  
John Stein—Loon Cafe  
Rob Allen---MPD, 1<sup>st</sup> Precinct  
Margot Imdeke—Mayor’s Advisory Committee on Disability  
Cindy Fitzpatrick—Uptown Business Association  
Michael McLaughlin—Downtown Council

### **Meeting with Industry**

On March 9, 2006 an informational meeting held pursuant to notice to all 230 sidewalk cafe licensees was held. Representatives from 16 businesses were present. Most of these businesses are located Downtown and almost all businesses holding sidewalk cafe licenses on 1<sup>st</sup> Ave. N. were present. All licensees on 1<sup>st</sup> Av. N. were satisfied that Public Works will work them to preserve their sidewalk cafe areas, even though they may need to be reduced in size.

### **Council Briefing**

A City Council briefing was held on March 14, 2006. Many Council Members were unable to attend because of the “off week” in the Council schedule. Representatives from the 9th & 10<sup>th</sup> Wards were present and expressed no dissatisfaction with the proposed policies.

Due to the increase in demand for new cafés and the continuing expansion of existing cafés within the City of Minneapolis public right of way, the current Sidewalk Café Standards need to be more clearly defined.

The attachments present the proposed process and criteria for café approvals. Highlights and major changes to this draft standard are:

- A minimum four (4) feet walkway shall be maintained between all obstructions and the proposed edge of café when the existing sidewalk is twelve (12) feet or less and a minimum of six (6) feet shall be maintained between all obstructions and the proposed edge of café when existing sidewalk is wider than twelve (12) feet.

- This four (4) or six (6) foot area of unobstructed walkway extends for the length of the entire block. The City may approve Sidewalk Cafés with a walkway standard less than the above mentioned standards based on ADA requirements and limited pedestrian volumes.
- Any new sidewalk cafés approved after the effective date of the new standards must be positioned next to the building with the pedestrian walkway between the café and the curb. (This prevents café table service from interrupting pedestrian movements.)
- The City shall retain all rights to remove or alter any sidewalk café area at any time for public improvements or repairs to the public right of way or in the event of a major civic event.
- The annual term of sidewalk café permit shall be April 1<sup>st</sup> to March 31<sup>st</sup> of each year.
- Annual renewal shall be required for all sidewalk cafés.
- As of May 1, 2006 all sidewalk cafés will have to come into compliance with these new standards.
- All emergency entrances and exits must be clear of obstructions at all times and marked clearly on diagram and American Disabilities Act (ADA) requirements shall be met.

An application process is used to obtain a sidewalk café permit. After submittal of a complete application, Public Works and Regulatory Services will inspect each café request and will determine whether all the provisions of the Ordinance and the proposed Sidewalk Café Standards are met.

### **Outdoor Smoking Area on Public Property Policy**

Public Works, Right of Way has received several inquiries from both licensed and non-licensed businesses regarding the establishment of smoking-related facilities on the public sidewalks. Because the Sidewalk Cafe Standards Policy was in the process of review, it was decided to also develop a policy regarding smoking areas. Smoking areas that feature the placement of equipment such as ashtrays and heating equipment shall require an encroachment permit. Public Works shall not permit, however, the establishment of a delineated area or other furniture that attempts to encompass the public space for a private use. Establishments holding a food and beverage license but not holding a sidewalk cafe license shall not be permitted to place any tables, chairs or benches on the public space.

Attachments:

Process and Criteria for Sidewalk Café Approvals

Comparison Chart----Sidewalk Cafe License and Encroachment Permit for Smoking Accessory Equipment