

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	72877	Agenda Number	50.
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Meeting Date:	8/3/2017	Department:	Transportation
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## Subject

Approve an ordinance amending City Code Chapter 14-4, relating to the regulation and permitting of sidewalk cafes.

## Amount and Source of Funding

## Fiscal Note

There is no financial impact for this item. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	Resolution No. 20120322-067; Ordinance No. 20140828-074; Ordinance No. 20140406-119.
For More Information:	Robert Spillar, 512-974-2488; Laura Dierenfield, 512-974-7189; Gilda Powers, 512-974-7092.
Council Committee, Boards and Commission Action:	
MBE / WBE:	
Related Items:	

## Additional Backup Information

This action will amend City Code Chapter 14-4 to address two issues related to the administration of the City's Sidewalk Café and Street Patio Program.

First, City Code Section 14-4-1 (DEFINITIONS) is proposed to be amended to define the Department to mean the Austin Transportation Department, not the Public Works Department as it currently states, and the Director to mean the Director of Transportation. This change is needed because sidewalk cafes are permitted by the Austin Transportation Department, not the Public Works Department.

Second, City Code Section 14-4-7 (APPLICATION REQUIRED) is proposed to be amended to specify that the application must include a letter of authorization from the property owner if the applicant is neither the fee title owner nor a tenant of the entire property adjacent to the proposed sidewalk café location. This change is needed to allow for the permitting of a sidewalk café to the tenant of a property if that property occupies the entire area adjacent to the proposed sidewalk café location, and improve the process for the majority of applicants.

### **Background Information**

The purpose of the City's Sidewalk Café and Street Patio Program is to promote and encourage pedestrian life, active uses of the public realm, and economic activity. Sidewalk cafes enhance the livability of the community by helping to make streets more vibrant places for people. They encourage walkability and the pedestrian use of Austin streets. They support local businesses and the attractiveness of business districts.

The City of Austin Complete Street Policy (Ordinance No. 20140406-119) encouraged the establishment of sidewalk cafes and made it City policy to "enhance the aesthetic qualities of Austin and its public realm through the thoughtful creation of place." The Austin Transportation Department (ATD) and the Economic Development Department (EDD) are currently collaborating to support local businesses interested in adding sidewalk cafes, to encourage more vibrant neighborhood business districts and walkable streets and corridors citywide.

In 2014, Council amended City Code Chapter 14-4 to modify application requirements for sidewalk cafes. Among other modifications, this ordinance created a permitting process for temporary sidewalk cafes. ATD administers the permitting process for sidewalk cafes, as it has for many years. ATD extensively reviews all applications and supports applicants with information and resources to develop successful sidewalk café projects that enhance the public realm.

Over its years of experience with the program, ATD has seen that the majority of sidewalk café applicants are by tenants (e.g. the restaurant or other eatery occupying the building). Currently, City Code requires the sidewalk café applicant to obtain a letter of authorization from the fee title owner of the real property. The proposed code amendment to City Code Chapter 14-4 would allow a tenant business to apply for a sidewalk café without a letter of authorization from the fee title owner as long as the tenant business occupies the entire property adjacent to the proposed sidewalk café location. As the sidewalk café is attached to the tenant business, typically a restaurant, an application from the tenant is sufficient in cases where a single tenant occupies all of the leasable space adjacent in the property. In cases where multiple tenants occupy a building and would be impacted by a sidewalk café, a letter from the fee title owner would be required.

The sidewalk café application and review process already includes a number of checks on the suitability of the proposed location, including requiring letters of support from adjoining businesses.