

EO 2020-0007
WGL 2020-0008

**CITY OF SPOKANE
SPOKANE COUNTY, WASHINGTON**

RECEIVED

OFFICE OF THE MAYOR

MAY 28 2020

CITY CLERK'S OFFICE

**EXECUTIVE ORDER RE: CITY'S
RESTAURANT AND RETAIL RECOVERY
PLAN**

WHEREAS, on March 13, 2020, President Trump issued a Proclamation Declaring a National Emergency concerning COVID-19; and

WHEREAS, on February 29, 2020, Governor Inslee issued Proclamation Number 20-05 declaring a State of Emergency exists in all counties in the state of Washington as a result of the Coronavirus Disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, Between February 29, 2020, and the date hereof, Governor Inslee issued several proclamations (20-06 through 20-52, 20-25, 20-25.1, and 20-25.2 (Stay Home – Stay Healthy) placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19 virus; and

WHEREAS on March 16, 2020, City of Spokane Mayor Nadine Woodward issued an Executive Declaration of Civil Emergency or Disaster in the city of Spokane (pursuant to SMC 2.04.030, and City Council adopted Resolution Number 2020-0019 ratifying and amending the Mayor's declaration of a civil emergency or disaster in response to a county-wide threat from COVID-19 until lifted; and

WHEREAS, on May 4, 2020, Governor Inslee amended and extended the Stay Home, Stay Healthy order through May 31, 2020; and

WHEREAS, on May 4, 2020, Governor Inslee issued Safe Start Washington – A Phased Approach to Recovery and the decrease of certain restrictions imposed pursuant to previous proclamation; and

WHEREAS, on May 4, 2020, Governor Inslee issued Proclamation 20-25.3 Adjusting and Extending Stay Home, Stay Healthy to May 31, 2020 allowing restaurants and taverns to resume on premise consumption of food and beverages, during Phase 2 of the Safe Start Washington Plan, so long as they adopt social distancing measures consistent with the Washington Safe Start re-opening plan, Phase two requirements; and

WHEREAS, Section 5 of Phase 2 Restaurant/Tavern Reopening COVID-19 Requirements issued by the Governor's office on May 11, 2020 further provides that outdoor restaurant seating is permissible with appropriate social distancing; and

WHEREAS, outdoor activities, including outdoor restaurant seating, have been determined to be safer and less likely to lead to the spread of COVID-19 than indoor restaurant seating; and

WHEREAS, pursuant to the authority set forth in Chapter 2.04 of the Spokane Municipal Code and Chapter 38.52 RCW, and City of Spokane Ordinance C35905 (emergency ordinance extending development permits and authorizing department directors to issue temporary procedural interpretations), the procedures and formalities otherwise required by the City by law or ordinance necessary to for the protection of life and property and to ensure the health, safety, and welfare of the community may be waived; and

WHEREAS, it is necessary and appropriate to exercise the emergency powers authorized by Chapter 2.04 SMC during the state of local emergency to facilitate and encourage outdoor seating areas to make restaurants safer to operate and to promote needed economic and business recovery in the City; and

NOW THEREFORE, by virtue of the authority vested in me as Mayor of the City of Spokane by Chapter 2.04 of the Spokane Municipal Code, and the Charter of the City of Spokane, and the Laws of the State of Washington, I hereby issue this Executive Order declaring:

Section 1. Purpose. The purpose of this Executive Order is set forth in the recital ("WHEREAS") clauses above and said recital clauses are hereby adopted, incorporated herein by reference and made a part of this Order.

Section 2. Governor's Executive Orders. The Executive Proclamations issued by Governor Inslee addressing the state-wide COVID-19 state of emergency are incorporated herein by reference and made part of this Order.

Section 3. Adoption of the City's Restaurant and Retail Recovery Plan. In an effort to support the Governor's proclamation and to promote business operation and economic recovery while maintaining focus on core safety principles, the City of Spokane's Restaurant and Retail Recovery Plan, attached hereto and made part hereof ("Plan Guide"), and all terms, conditions and requirements set forth therein, are hereby adopted, incorporated herein by reference and made a part of this Order.

Section 4. Conditions for Temporary Permission to Utilize City Rights-of-Way. Subject to the terms hereof and only to the extent described in the Plan Guide, this Emergency Order suspends certain City Code requirements as set forth below and grants temporary permission to utilize private parking areas with a permit for restaurant or retail use, which parking areas are otherwise restricted for use for required off street parking spaces only and waives the permit fees for sidewalk cafes and streateries. Any person who, as described in the Plan Guide, utilizes the City rights-of-way and private parking areas for restaurant and retail use as authorized under this Executive Order shall comply with all terms, conditions and requirements of this Executive Order and the Plan Guide.

Section 5. Phase 2 Plan Guide Requirements. The Plan Guide sets forth the terms, conditions and requirements for utilization of the City rights-of-way and private parking areas for restaurant and retail use during Phase 2, with a permit, as authorized under this Executive Order, which requirements include but are not limited to the following:

1. Indoor capacity limited to 50% of building occupancy in Phase 2 and 75% in Phase 3.
2. All indoor and outdoor seating must be spaced at least six feet apart, except to the extent that appropriate partitioning is in place.
3. It is strongly encouraged to test your workforce for COVID-19.
4. It is strongly encouraged to use disposable paper menus for single use or provide a visible menu board.
5. Provide easily accessible sanitizer for patrons and employees.
6. It is strongly encouraged to implement contactless ordering and payment processes.
7. All restaurants are encouraged to use a reservation process to prevent capacity issues. Restaurants using sidewalk cafés, streateries and or temporary street closures are strongly encouraged to use a reservation process to prevent patrons from congregating while waiting for table service or take-out orders.
8. All individuals should wear a face covering anytime they are not seated at the table (while being seated or leaving, or while going to the restroom).
9. Limit contact with dining guests by reducing the number of visits wait staff make to each table.
10. Any waiting areas, e.g. for take-out orders, must also adhere to the six foot spacing distance. All businesses with waiting areas are encouraged to mark off the six-foot spacing.

This Executive Order and the requirements herein apply only to restaurant and retail establishments utilizing City rights-of-way and private parking areas for restaurant and retail use with a permit as authorized herein.

Section 6. Plan Guide Requirements for Future Phases. The Plan Guide sets forth the terms, conditions and requirements for utilization of the City rights-of-way and private parking areas for restaurant and retail use during Phase 3, with a permit, as authorized under this Executive Order, which requirements include the requirements set forth above for Phase 2, modified as follows:

- For Phase 3, guest occupancy must be 75% of maximum building occupancy or lower as determined by the fire code. Outdoor seating is permitted but must also be at 75% capacity;
- All indoor and outdoor seating shall be spaced at least 6 feet apart measured from back of chair to back of chair; and
- Outdoor seating does not count toward the building occupancy limit, including use of any on street or private off-street parking areas for restaurant and retail use.

Section 7. Mayor's Emergency Powers and Temporary Suspension of Certain City Code and Permit Requirements. The City of Spokane's Restaurant and Retail Recovery Plan is necessary to ensure the health, safety, and welfare of the community. Pursuant thereto, the following City of Spokane Code Sections are hereby suspended and waived, in part, for the duration of this Order, under the terms and conditions set forth in this Executive Order and the Plan Guide, and only to the extent necessary to effectuate this Order:

- Sidewalk Cafe permit requirements – SMC Chapter 10.28;
- Sreatery and Parklet permit requirements – SMC Chapter 10.55;
- Special Event permit requirements – SMC Chapter 10.39;
- Parking regulations and requirements – SMC Chapter 17C.230;

Section 7. Certain Code sections not waived. Nothing in this Emergency Order shall be construed to authorize the waiver of any other City Code requirements, and all such other Code provisions and laws shall remain in full force and effect. Any use of City rights-of-way and private parking areas for restaurant and retail use pursuant to this Order shall comply with all applicable fire, life safety, and ADA requirements.

Section 8. Revocation of Permission to Utilize City Rights-of-way and Private Parking Areas. Permission to utilize the City rights-of-way and private parking areas for restaurant and retail use under the terms, conditions and requirements of this Executive Order and the Plan Guide, is at the sole and absolute discretion of the City. Such permission may be withdrawn by the City at any time, including upon a finding by the City of a violation of this Executive Order or the Plan Guide, or if necessary to comply with proclamations and/or order issued by the Governor. Further, notwithstanding any provision in this Order to the contrary, the City reserves the right to restrict or prohibit the use of City rights-of-way and use of private parking areas for restaurant and retail use otherwise permitted by this Order if the City determines such use endangers the public health, safety, or welfare, at the City's sole and absolute discretion.

Section 9. Effective Date and Duration. This Executive Order shall take effect immediately on the date set forth below and all provisions herein shall apply for the duration of this Order. This Executive Order shall expire on December 31, 2020, unless terminated earlier or extended by subsequent Executive Order, or unless the Governor issues a proclamation that requires termination of this Order.

Section 10. Enforcement. This Emergency Order may be enforced by any law enforcement officer, fire marshal, or any code enforcement officer. A finding of violation of this Order or any of the requirements of the Plan Guide may be enforced by immediate revocation of the City's permission to utilize City rights-of-way or private parking areas for restaurant and retail use. In addition, pursuant to Chapter 38.52 RCW and SMC 02.04.120, a violation of this Order is a misdemeanor.

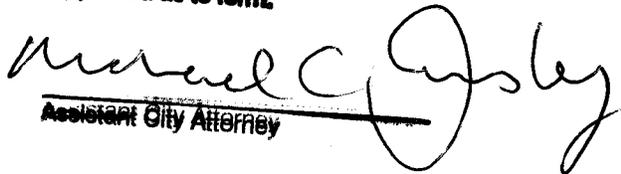
Section 11. Ratification. This Executive Order shall be submitted to the City Council for ratification pursuant to SMC 02.04.060.

DATED this 27 day of May, 2020



Mayor Nadine Woodward

Approved as to form:



Assistant City Attorney

Attest:



Spokane City Clerk



A Guide for Expanded Restaurant + Retail Space

City of Spokane



REV.5/28/20

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1. Preface

Governor Inslee's Proclamation 20-25.3

On May 4th, 2020 Governor Inslee signed [Proclamation 20-25.3](#) and outlined the “[Safe Start](#)” plan, a phased approach to re-open Washington’s economy. Under the plan, businesses and activities will re-open in phases with adequate social distancing measures & health standards in place. Businesses may also need to meet additional requirements developed specifically for their industry. This order is in effect statewide. The Phase 2 Restaurant/Tavern Reopening COVID-19 Requirements provide the following procedures to resume dine-in services:

Restaurants/taverns must ensure strict adherence to all measures established by the Governor’s guidance, the Department of Labor & Industries (L&I) [Coronavirus \(COVID-19\) Prevention: General Requirements and Prevention Ideas for Workplaces](#), and the [Washington State Department of Health Workplace and Employer Resources & Recommendations](#) (DOH). All businesses are strongly encouraged to require their customers to use face coverings when interacting with their staff.

1. Hand sanitizer should be available at entry for all staff and patrons (assuming supply availability).
2. No bar seating is permitted during Phase 2. If an establishment has bar seating it must be closed off to prohibit use.
3. If the establishment does not offer table service, they must have protocols in place to ensure adequate social distancing at food and drink pick-up stations, and seating within their dining area.
4. All parties and tables must be 5 guests or less.
5. Guest occupancy must be 50% of maximum building occupancy or lower as determined by the fire code. Outdoor seating is permitted but must also be at 50% capacity. Outdoor seating does not count toward the building occupancy limit. Outdoor seating must follow all other requirements in this document.
6. Tables must be placed far enough apart when measured from occupied chair to occupied chair, to ensure dine-in guests seated at a table are a minimum of 6 feet away from guests at adjacent table, or there must be a physical barrier or wall separating booths or tables.
7. It is strongly suggested customers wear a face covering anytime they are not seated at the table (while being seated or leaving, or while going to the restroom).
8. Buffets and salad bars are not permitted at this time but may be addressed through subsequent interpretive guidance.
9. If the establishment offers table service, it is encouraged to keep a daily log of all customers and maintain that daily log for 30 days, including telephone/email contact information, and time in. This will facilitate any contact tracing that might need to occur.
10. Single use menus are required for in-person dining.
11. Any condiments typically left on the table (ketchup, soy sauce, etc.) must be single-use or sanitized after each use.

12. Restaurants must have implemented a plan to ensure proper physical distancing in lobby/waiting areas/payment counters.
13. Minimize the number of staff serving any given table. It is strongly recommended that one staff person take a table's order, bring all of their beverages/food/utensils, take their payment, etc.

City of Spokane Restaurant + Retail Program

In concert with the Governor's Executive Order, the City of Spokane has created the following guidelines to allow restaurants and retail businesses to expand their business footprint onto the public rights-of-way or in privately owned parking facilities without meeting certain City code and permit requirements.

City of Spokane COVID-19 Requirements

In the interest of public safety, the following requirements will be applicable to all restaurants and retail businesses in the City of Spokane that utilize any City rights-of-way for outdoor business activities:

1. Indoor capacity limited to 50% of building occupancy in Phase 2 and 75% in Phase 3.
2. All indoor and outdoor seating must be spaced at least six feet apart, except to the extent that appropriate partitioning is in place.
3. It is strongly encouraged to test your workforce for COVID-19.
4. It is strongly encouraged to use disposable paper menus for single use or provide a visible menu board.
5. Provide easily accessible sanitizer for patrons and employees.
6. It is strongly encouraged to implement contactless ordering and payment processes.
7. All restaurants are encouraged to use a reservation process to prevent capacity issues. Restaurants using sidewalk cafés, streateries and or temporary street closures are strongly encouraged to use a reservation process to prevent patrons from congregating while waiting for table service or take-out orders.
8. All individuals should wear a face covering anytime they are not seated at the table (while being seated or leaving, or while going to the restroom).
9. Limit contact with dining guests by reducing the number of visits wait staff make to each table.
10. Any waiting areas, e.g. for take-out orders, must also adhere to the six foot spacing distance. All businesses with waiting areas are encouraged to mark off the six-foot spacing.

Restaurant + Retail Program Overview

The City of Spokane's Restaurant + Retail Program has been established to ensure businesses have the greatest ability to operate successfully during the COVID-19 economic recovery. The program entails leveraging available private and public space to be used as expanded areas for restaurant and retail activity while maintaining public safety requirements.

Temporary Outdoor Dining + Retail Activity on Private Property

Restaurants and retail establishments with access to private sidewalks or private parking may utilize these areas for dining or retail services, in accordance with the safety guidelines outlined in Section 2 of this guidebook, provided the consent of the landlord or property-owner is obtained.

Temporary Outdoor Dining + Retail Activity in Public Rights-of-Way

The City of Spokane is temporarily allowing variances from City Code and permit application requirements for restaurants and retail businesses to expand operating space in designated portions of the public rights-of-way. The City of Spokane is also temporarily waiving fees for sidewalk cafés and streateries.

To participate in the program, minimum life safety requirements and Americans with Disability Acts (ADA) must still be met as described in Section 2 of this guidebook. It shall be the responsibility of the business to ensure that these requirements are maintained at all times the business is operating within the public right-of-way.

The City of Spokane will be working with businesses to identify areas that may be appropriate for full or partial road closures.

Types of public spaces used for this purpose:

Sidewalks, Parking Lots and Alleys



Sidewalk Café Permits are for the private use of public sidewalks and alleys as well as private parking lots. The City of Spokane is allowing businesses to temporarily use sidewalks, alleys and parking lots for additional restaurant seating or retail purposes. Requirements are described further in Section 2 of this guidebook.

Parklets + Streateries



Parklets are temporary sidewalk extensions that provide more space and amenities for people using the street by converting a parking space or loading zone to public use. Creatively designed and executed, parklets provide seating areas and public space, often include greenery, and commonly provide a unique visual impact that activates a street and increases the public use.

Streateries are similar in design and nature to parklets. However, rather than operating as public space all day long, streateries belong to an adjacent restaurant or café during operating hours; functioning as an "off-sidewalk café" that can extend off the sidewalk into the parking lane. When the restaurant or café is closed, the streaterie operates as a typical parklet.

Street Closures

This involves closure of portions of a street near a concentration of businesses to provide additional space in a safe and protected setting that can serve multiple businesses.

2. Restaurant + Retail Recovery Program

The City of Spokane is taking steps to ensure businesses have the ability to operate safely and successfully during the COVID-19 economic recovery using available private and public right-of-way. Fees for sidewalk cafés, parklets and streateries will be waived in 2020.

Temporary Outdoor Dining + Retail Activity on Private Property

In accordance with City of Spokane Executive Order RE: City's Restaurant and Retail Recovery Plan, businesses may expand dining and retail areas to certain areas of private property not typically permitted for business activity, such as private outdoor areas and parking lots by obtaining a sidewalk café permit.

Private Parking Lots

Off-street private parking spaces counted for required parking may be converted to outdoor dining or retail space, when the lot is immediately adjacent to the parent property. The converted use must be in conformance with all City of Spokane Building and Fire requirements for building accessibility, emergency access, and social distancing requirements that provide at least six feet spacing between tables and pathways. Additionally, no parking for disabled persons may be repurposed for restaurant or retail use.

The required landscape and buffer areas for the off-street private parking spaces, shall not be used as an expanded converted use for restaurants or retail operations. There shall not be parking, outside seating, or retail activities in landscaped areas.

Setbacks on Private Property

Any permanent structures being proposed to expand the seating area for outdoor seating must meet required setbacks and seek proper building permits. Temporary placement of equipment such as wash stations and hand sanitizing stations or stations for staff set up and service do not need to meet required setbacks.

Temporary Outdoor Dining + Retail Activity in Public Rights-of-Way (Sidewalks, Alleys + Streateries)

In accordance with City of Spokane Executive Order RE: City's Restaurant and Retail Recovery Plan, the City of Spokane is supporting restaurants and retail businesses who wish to expand dining and retail operations onto sidewalks and on-street parking spaces (streateries), provided the applicable requirements described below can be met. The City is also working with businesses to identify certain roadways for partial or full road closures and will be temporarily making these street areas available for expanded dining and retail activity, consistent with the requirements and conditions described in this guidebook.

Sidewalks

Sidewalk activation for restaurants and retail businesses will required Sidewalk Café Permits (per Title 10 Division II of the Spokane Municipal Code). The City of Spokane is providing flexibility in the requirement

to apply for a permit and now allowing businesses to use alleys and private parking lots, subject to the conditions in this Guidebook, for additional restaurant seating or retail purposes.

Expanded Sidewalk Requirements for Restaurant & Retail

For the duration of Governor Inslee's [Proclamation 20-25.3](#), the City of Spokane will allow the use of variances to depart from City Code for certain requirements regarding permitting of sidewalk cafes. Businesses utilizing City rights-of-way shall comply with the following requirements during this time period. Operational Requirements for Sidewalk Cafes per SMC Chapter 10.28 shall remain in effect as described below and shall generally apply to all private business operations including retail establishments.

General Requirements

Outdoor café seating and retail operations within sidewalks and public rights of way shall maintain:

- Adequate pedestrian flow of at least 6 feet;
- Proper exiting requirements;
- Access to public utilities, building entrances, crosswalks, bus stops and transient entrances;
- Pedestrian and traffic safety; and
- In the case of parking lots provide a durable barrier between patrons and vehicles.

Location Requirements

1. The width of the sidewalk café or retail space may extend past the frontage of the business so long as the applicant has the permission of the neighboring property owner. Adjacent businesses are strongly encouraged to coordinate.
2. A clearly marked, unobstructed, and durable pedestrian right-of-way, also known as the "pedestrian clear path of travel", that meets required accessibility standards, of no less than six (6) feet shall be maintained for each sidewalk café area and shall adhere to the following standards:
 - a. The minimum distance of said path shall be measured from the portion of the sidewalk café/retail space boundary which is nearest either the curb line or the nearest obstruction.
 - b. In no event may recesses in the sidewalk café/retail space boundary be used to satisfy this unobstructed width requirement for said path, except that the corners of the sidewalk café/retail space may be rounded or mitered.
 - c. Sidewalk cafés/retail spaces shall maintain a clearance of six (6) feet around the corners of other sidewalk cafés measured in radius.
3. The pedestrian path shall maintain a minimum of six (6) feet from large obstructions. No tables, or chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut or bus stops shelters.
4. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.
5. The operational hours of the space shall be restricted to the adjacent business operating hours, and all outdoor activities shall cease by 10 pm. This includes any outside music.

Construction, signage, maintenance and umbrellas

1. Appropriate lighting of the sidewalk café/retail space is required if operating outside of daytime hours.
2. Use of landscaping and planters is permissible, however these materials should not be permanently affixed to any public rights-of-way.
3. All signage must be in compliance with City Code. Signs are prohibited on umbrellas, chairs, tables and other permissible fixtures which are located on the public right-of-way, except that the establishment identified on the permit and/or its logo shall be permitted on umbrellas.
4. No heating, cooking or open flames are permitted in the sidewalk café. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material. Space heaters are not allowed under awnings without direct approval from the Fire Department.
5. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
6. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.
7. It is the permit holder's responsibility to properly secure their furniture outside of business hours. The City of Spokane shall not be held liable for any missing, damaged, and/or vandalized furniture.
8. Each area will be evaluated on a site-specific basis. Some areas may require complete removal of outside café furniture during non-business hours.
9. The permit holder is responsible for maintaining the leasehold space granted by the permit. This may require removing, repairing, or mediating tripping hazards, cleaning and properly disposing of litter, and general cleanliness of the leasehold area.

City of Spokane Right to Clear Right-of-Way

The City reserves the right to remove a sidewalk café/retail space that (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public (ii) a business violates the requirements of these Guidelines or Executive Order RE: City's Restaurant and Retail Recovery Plan.

The City may require the removal, temporary or permanent, of the sidewalk café/retail space when redevelopment of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in SMC Chapter 10.28. Any costs incurred by the City for removal or storage of sidewalk café tables, chairs and other equipment shall be the

responsibility of the business. The city is not responsible for any damages or loss of equipment removed pursuant to this subsection.

Parklets + Streateries

Parklets or Streateries can be used by a business, and do not require the street to be closed. Businesses utilizing City rights-of-way shall comply with the following requirements during this time period. Operational Requirements for Parklets and Streateries per SMC Chapter 10.55 shall remain in effect as described below and shall generally apply to all private business operations including retail establishments. Variances will be allowed to depart from City Code and the Parklet and Streatory Design Standards for use of on-street parking spaces within the public right-of-way.

General Requirements

Outdoor seating and retail operations within public rights of way shall maintain:

- Adequate pedestrian flow of at least 6 feet;
- Access to public utilities, building entrances, crosswalks, bus stops and transient entrances;
- Pedestrian and traffic safety; and
- Utilize the Parklet and Streatory Design Standards for basic safety requirements.

Location Requirements

1. The width of the parklet or streatory may extend past the frontage of the business if there is no written opposition from the adjoining property owner or business licensee. Adjacent businesses are strongly encouraged to coordinate.
3. In general, parklets/streateries should be placed at least one parking space from corners. The presence of a bulb-out, an on-street bicycle corral, or some other physical barrier may allow the City to allow placement closer than that.
4. Parklets/streateries shall be placed no closer than 15 feet from catch basins or fire hydrants.
5. In no case shall any portion of the parklet/streatory, or any furniture placed upon it, obstruct the view of a traffic control device.
6. The operational hours of the space shall be restricted to the adjacent business operating hours, and all outdoor activities shall cease by 10 pm. This includes any outside music.

Construction, signage, maintenance and umbrellas

1. Appropriate lighting of the parklet or streatory is permitted, but may not create glare or interfere with traffic operations.
3. All signage must be in compliance with City Code. Signs are prohibited on umbrellas, chairs, tables and other permissible fixtures which are located on the public right-of-way, except that the establishment identified on the permit and/or its logo shall be permitted on umbrellas.
4. No heating, cooking or open flames are permitted in the parklet or streatory. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable

object or material. Space heaters are not allowed under awnings without direct approval from the Fire Department.

5. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
6. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.
7. It is the permit holder's responsibility to properly secure their furniture outside of business hours. The City of Spokane shall not be held liable for any missing, damaged, and/or vandalized furniture.
8. Each area will be evaluated on a site-specific basis. Some areas may require complete removal during Hoopfest, Bloomsday or significant regional event. Some areas may require complete removal if construction activities are planned in the right-of-way.
9. The permit holder is responsible for maintaining the leasehold space granted by the permit. This may require removing, repairing, or mediating tripping hazards, cleaning and properly disposing of litter, and general cleanliness of the leasehold area.

City of Spokane Right to Clear Right-of-Way

The City reserves the right to remove a parklet or streaterly that (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public (ii) a business violates the requirements of these Guidelines or Executive Order RE: City's Restaurant and Retail Recovery Plan.

The City may require the removal, temporary or permanent, of the parklet or streaterly when redevelopment of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in SMC Chapter 10.28. Any costs incurred by the City for removal of tables, chairs and other equipment shall be the responsibility of the business. The city is not responsible for any damages or loss of equipment removed pursuant to this subsection.

Street Closures

The City of Spokane will evaluate closures of a street near a concentration of businesses to provide additional space in a safe and protected setting that can serve multiple businesses, and will be installed 24 hours per day/7 days per week, for the duration of this Executive Order.

In the interest of public safety, street closure locations will be approved through the Special Events Permitting process. It is the responsibility of the business to activate these spaces with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials. Maintenance (daily upkeep, litter cleanup, etc.) associated with business operations shall also be the responsibility of the business.

Additional guidance for using streets during economic recovery times was just released by NACTO.

<https://nacto.org/streets-for-pandemic-response-recovery/>

Operational Considerations

- Hours of Street Closure: Street closures will remain in place 24-hours a day, seven-days a week. Through-traffic and parking will not be permitted at any time during these hours. Temporary access will be permitted only for delivery vehicles and residents (see below).
- Delivery Vehicle Access: commercial deliveries must be made before 11:00 AM. Temporary removal and replacement of barricades to permit deliveries is the responsibility of the business owners.
- Emergency Vehicle Access: It may be necessary for a 15-foot lane to be maintained in the center of closed streets to ensure emergency vehicle access. This will be addressed on a case by case basis.
- Street Cleaning: Businesses must remove all outdoor furniture weekly (day depending on location) to facilitate regular street sweeping.
- Barricades: Barricades will be reviewed in partnership with the Special Events Review Team. The Police Department will deter prohibited vehicles and allow temporary removal for residents, commercial deliveries, and emergency vehicles.
- Business Hours of Operation: Hours of operation on closed streets must end by 10:00 PM for permitted retail and dining establishments.

Use of Tents or Shade Structures on Sidewalks, Parking Lots, On-Street Parking Spaces, or Closed Streets

The following requirements shall apply to use of temporary tents or shade structures within public spaces:

- The maximum size tents that may be placed within sidewalks and parking spaces will be 10-foot by 10-foot.
- Tents shall be removed at the close of business each day.
- No staking of tents is permitted in public rights-of-way.
- All tent legs must be weighted
- Each leg must have a minimum of 40lbs.
- Weights must be securely attached to canopy roof and canopy leg separately
 - Ropes and straps should be high quality
 - Bungee or rubber straps are prohibited
- Weights must be on the ground and not dangling
- Weights and lines must not pose a hazard and be clearly visible
- For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed. Do not leave unsecured tents at any time.
- Heaters of any kind shall not be used under tents or umbrellas.
- Smoking is prohibited under tents and shade structures.
- Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.

Items that make acceptable weights:

- 5 gallon bucket full of water, sand, or concrete
- 4" PVC pipe at least 36" long filled with concrete
- Large commercially available tent weights
- Sandbags or salt bags 40lbs or heavier

Requirements for tents larger than 10-foot by 10-foot

- Shall only be placed on private property (not sidewalks or streets)
- Must comply with IFIA Tent Handbook

Fire Marshal Checklist for Operating Tents within City Limits

The Fire Marshal's office will have staff available to assist with ensuring life safety needs and can be reached by calling (509) 625-7000.

Coordination with the Spokane Regional Health District

The Washington State Department of Health (DOH) is developing a checklist and guidance to help address the operational issues that may arise as businesses plan to provide seating indoors and outdoors are developed. The City of Spokane encourages businesses to reach out to the Health District as they evaluate expanding their business activities outdoors. The Health District has identified some issues that should be considered when looking to expand outdoors:

- Because of the size constraints of many indoor dining areas and the requirement to seat no more than five people per table and maintain at least six feet of distance "from occupied chair to occupied chair," it is quite possible that outdoor seating may exceed indoor seating. Seating areas should be cordoned off to distinguish from other common areas.
- The employees working in the kitchen and dining areas must also have the necessary equipment and food preparation capacity to implement required food safety measures, and adequate space to practice proper six-foot social distancing.
- The addition of new cooking areas, food preparation areas, server stations, or self-serve areas (water, condiments, fountain drinks, etc.) are prohibited unless the establishment receives prior approval from SRHD. Approval from other appropriate agencies may also be required.
- There will be a need to ensure there is adequate room for social distancing on the premises for those who are waiting for a table to open, those who are waiting for their takeout order, those who are using the restroom, and those who are entering and leaving these seating areas. This may inadvertently cause congregating to occur in front of establishments if there is not adequate room to accommodate the needs of everyone.
- Businesses should develop a plan for addressing the above concerns to ensure proper social distancing occurs and take other necessary preventative measures to help prevent COVID-19 for the benefit of their employees and customers.
- It is important for applicants to contact SRHD Food Safety Program (509.324.1560 ext. 2), Washington State Liquor Cannabis Board (liquoralterations@lcb.wa.gov), and Washington State Department of Labor and Industries to see if they have any additional requirements.

3. Frequently Asked Questions

Do I need a permit or approval to add restaurant tables to the sidewalk in front of my business or the parking lot next to my business?

Yes, you will still be required to obtain a Sidewalk Café Permit. Although fees have been temporarily suspended for the duration of City of Spokane Executive Order RE: City's Restaurant and Retail Recovery Plan.

Do I need to get approval to take over a public parking space in front of my business?

Yes, you will still be required to obtain a Streatery Permit. Although fees have been temporarily suspended for the duration of City of Spokane Executive Order RE: City's Restaurant and Retail Recovery Plan.

How do I request closure of the street adjacent to my business?

The City will review closure requests through the Special Event Permitting process. These street closures should provide the maximum additional space, serve many businesses in a concentrated area, and be installed 24 hours per day/7 days per week, for the duration of the permit. Accommodations must be made for emergency service access, solid waste collection, and access to City infrastructure.

What are the hours of operation allowed on sidewalks, parklets/streateries and street closures?

The permitted business hours of operation for indoor portions of your business should remain consistent with your businesses typical hours of operations. If you are expanding operations outdoors, outdoor seating hours end at 10 pm. Please be mindful of your neighbors and any additional noise that may be generated.

What if I don't know my businesses' capacity or occupancy load, how do I calculate the allowable 50%? Does the 50% rule apply to both inside and outdoors?

The "50% rule" only applies to indoor capacity requirements. Outdoor requirements are based on table spacing of 6 feet (measured from the backs of chairs) and provisions for safe pedestrian pathways. If these outdoor areas require fencing for the LCB rules then it will need to be assigned an occupant load and exiting requirements. Please call the Fire Marshal's Office at (509) 625-7000. If you do not know your occupant load and are a retail business, please contact the Development Services Center at (509) 625-6300.

How does the "6-foot rule" work for restaurant seating?

If people are at a table together, they don't need to be 6 feet apart. Each table setting needs to be 6' from other tables measured from the back of each chair, as occupied chair-to- occupied chair, unless appropriate partitioning is in place.