

## ORDINANCE NO. C35909

An ordinance modifying requirements for sidewalk cafes, parklets and streateries in Spokane; amending SMC Sections 10.28.040, 10.28.050, 10.55.040, and 10.55.050; and declaring an emergency.

WHEREAS, restaurateurs and bar owners have successfully implemented sidewalk cafes, parklets and streateries in Spokane in recent years;

WHEREAS, the City understands it is necessary and prudent to continue to reevaluate our regulations as we learn from each permitting cycle; and

WHEREAS, in an effort to aid businesses that are trying to recover from the impacts of the COVID-19 pandemic, the City Council wishes to remove barriers; and

WHEREAS, the provisions of this Ordinance are procedural in nature and is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-800(19) and does not require transmittal to the Washington State Department of Commerce for comment; and

WHEREAS, the City Council finds that it is in the public interest to adopt this Ordinance and that such Ordinance is necessary for the immediate preservation of the public peace, health, and safety and for the immediate support of City government and its existing public institutions.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That SMC Section 10.28.040 is amended to read as follows:

### Chapter 10.28 Sidewalk Cafes

#### Section 10.28.040 Application

- A. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
  1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
  2. Whether any liquor as defined in RCW 66.04.010 will be sold or consumed in the area to be covered by the permit.
- B. At the time of application the city engineer shall set a ~~((time for an administrative hearing before which))~~ public comment period in which the public may offer objections to the issuance of the license.

Section 2. That SMC Section 10.28.050 is amended to read as follows:

#### Section 10.28.050 Notice to Abutting Property Owners

- A. The applicant shall mail or serve a notice stating the:

1. Nature of the application;
2. Sidewalk area sought to be used; and
3. Date (~~(, time and place at)~~) of public comment period, after which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- B. The city engineer shall prepare notices containing the aforesaid information and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

Section 3. That SMC Section 10.55.040 is amended to read as follows:

#### Chapter 10.55 Parklets and Streateries

##### Section 10.55.040 Application

- A. In addition to the information required by SMC 10.55.060, an application for a parklet or streatery license shall state:
  1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
  2. Whether any liquor as defined in RCW 66.04.010 will be sold or consumed in the area to be covered by the license.
- B. At the time of application the city engineer shall set a (~~(time for an administrative hearing before which)~~) public comment period in which the public may offer objections to the issuance of the license.

Section 4. That SMC Section 10.55.050 is amended to read as follows:

##### Section 10.55.050 Notice to Adjacent Property Owners and Users

- A. The applicant shall mail or serve a notice stating the:
  1. Nature of the application;
  2. The parklet or streatery area sought to be used; and
  3. Date (~~(, time and place at)~~) of public comment period, after which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street-level tenants of the properties on the block face on which would be located the proposed parklet or streatery and the block face across the street from the proposed parklet or streatery, as well as any parking meters or loading zones to be impacted and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- B. The city engineer shall prepare notices containing the license application details and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

Section 5. Declaration of Emergency and Effective Date. This Ordinance, passed by at least a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the immediate preservation of the public peace, health, property, or safety and for the immediate support of City government and its existing public institutions, shall be effective immediately upon its adoption as provided in Section 19 of the City Charter.

PASSED by the City Council on May 21, 2020

[Signature]  
Council President

Attest:

[Signature]  
City Clerk

Approved as to form:

[Signature]  
Assistant City Attorney

[Signature]  
Mayor

June 3, 2020  
Date

MAY 21, 2020  
Effective Date

