



Washington State  
Liquor Control Board

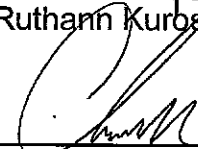
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Liquor Control Board Interim Policy BIP 06-2011

**Subject:** Sidewalk Cafe Service Areas  
**Effective Date:** August 10, 2011  
**Ending Date:** Upon adoption of rules to implement this policy.

**Approved:**   
Sharon Foster, Chairman

  
Ruthann Kurose, Board Member

  
Chris Marr, Board Member

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**Purpose:**

The purpose of Liquor Control Board Interim Policy 06-2011 is to provide the requirements to allow sidewalk café service at a liquor licensed premises.

**Background:**

The city of Seattle has requested the board allow on-premises liquor licensees to extend their food and alcohol service to public right-of-way areas within the city. The city of Seattle has created a permit for a "sidewalk café". The city believes "sidewalk cafes" activate the street-level pedestrian environment, enhance neighborhood safety and public perception of safety, and advance Seattle's character and quality of life. The city has established standards and requirements for the "sidewalk permit".

Since the areas the city is asking about are public right-of-ways, there was some concern about alcohol service in these areas. RCW 66.44.100 states:

*"Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a class 3 civil infraction under chapter 7.80 RCW."*

The AGs office was consulted on this issue. The city limits the "sidewalk cafes" by requiring a permit application fee, an annual permit fee, plus an amount they charge per square foot if the licensee wants to serve alcohol. The "sidewalk café" areas meet the requirement that the area be under the licensee's control, and it is not a "public place". Even when the city is allowing the licensee to use city right-of-way or other city-owned property, the licensee is, in effect, getting a lease to use the space. The AGs office did not see a "drinking in public" concern.

The AAG states rule language requiring the licensee provide a copy of their local permit to the board to show a right to the area should be drafted and adopted by the board.

**Policy Statement:**

To request approval for a "sidewalk café" service area, an on-premises liquor licensee must:

- Submit an alteration/added activity request including a "Sidewalk Café" Operating Plan for board approval that addresses the following requirements:
  - ✓ The "sidewalk café" area is for the exclusive use of the liquor licensee and conduct in this area is the responsibility of the licensee;
  - ✓ The "sidewalk café" area must be enclosed with a barrier at least forty-two inches in height;
  - ✓ Food must be available in the "sidewalk café" area when liquor is being served;
  - ✓ Alcoholic beverages must be prepared in the liquor service area inside the licensed premises;
  - ✓ At least one employee must be designated in the "sidewalk café" area and be responsible for control of the area; and
  - ✓ Lighting in the "sidewalk café" area must comply with WAC 314-11-055.
  
- Provide a copy of their "sidewalk café" permit issued by the local jurisdiction to show they have the right to the area; and
- Submit a sketch of the sidewalk café area in relation to the licensed premises (The "sidewalk café" area must be directly across from the liquor licensed premises);

Failure to comply with these requirements or conduct in violation of Title 66 RCW and/or Title 314 WAC may result in cancellation of the approval for "sidewalk café" service.