



## Land Use & Environment Committee

### Alley and Right-of-Way Use

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**Title**

Alley and Right-of-Way Use

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee

**City Manager Recommendation:**

Receive information on alley and right-of-way use. Briefing only; No action requested at this time.

**Report**

**Issue:**

Whether to receive a briefing on the current approach to permitting private use of public alleys, sidewalks or other rights-of-way.

**Staff Contact:**

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**Presenter(s):**

Rich Hoey, Public Works Director

Leonard Bauer, Deputy Director, CP&D

**Background and Analysis:**

Requests to use public right-of-way (ROW) for private commercial use have grown considerably in recent years, especially in downtown. Typically, these requests come from restaurants and bars that are interested in providing outdoor seating for patrons. In addition to the business benefit, the use of public right-of-way for these purposes typically adds to the vibrancy and safety of the downtown.

Given the limited space on City sidewalks, however, outdoor seating typically reduces available width for pedestrians. In some cases, this can create "pinch points" that make pedestrian accessibility challenging. This is an area of review in the City's permitting process.

The City also recently approved an ROW Use Agreement with Well 80 that allows for the private use of an alley adjacent to the restaurant/bar. City Council approved this use as a pilot project while the

City considers other potential uses of alleys downtown.

Since many of the businesses serve alcohol in these outdoor seating areas, the State Liquor and Cannabis Board (LCB) sets rules regarding physical separation of the alcohol serving area from public space. In response to LCB requirements, many businesses have placed permanent railings or other year-round barriers around their seating areas. This results in outdoor seating areas that sit vacant during a large portion of the year, unnecessarily affecting sidewalk width during those periods.

Staff has recently learned of regulatory changes from LCB that allow local jurisdictions to adopt regulations permitting outdoor alcohol seating without these types of physical barriers. Under the new regulations, the alcohol seating must be contiguous to the establishment's building, and demarcated by sidewalk markers of sufficient size and spacing. Staff is currently researching this approach in Seattle, Bellingham and Bothell.

During this background presentation to the Land Use and Environment Committee (LUEC), staff plans to cover the following:

- Comprehensive Plan and Downtown Strategy guidance.
- The City's current approach to permitting use of ROW, including one-time and annual charges to private entities.
- Current issues, challenges and opportunities (e.g., lack of design standards, minimum width for pedestrians, alcohol seating areas and use of barriers, tax implications, etc.).

Staff will then request initial feedback from LUEC on key policy questions and a proposed plan for public outreach. Staff plans to return to LUEC with specific policy recommendations at a later date.

**Neighborhood/Community Interests (if known):**

Policies governing use of right-of-way for outdoor seating will be of significant interest to downtown businesses, as well as owners of restaurants and bars in other areas of the city. Staff plans to consult the Olympia Downtown Alliance, the Parking and Business Improvement Area (PBIA), and other business groups in the development of policy recommendations.

**Options:**

Briefing only.

**Financial Impact:**

None at this time. Changes to permitting requirements could have financial implications for private businesses. Under certain conditions, the City must pay leasehold excise tax to the state for use of public right-of-way.

**Attachments:**

None