



# **Planning Director Code Interpretation**

## **ADMINISTRATIVE REVIEW OF SIDEWALK CAFÉ APPLICATION MATERIALS IN THE HISTORIC DISTRICT**

### **Issue**

Can applications for sidewalk cafés be administratively reviewed by staff for consistency with the Historic District Design Standards in order to streamline the permit process?

### **Applicable Snohomish Municipal Code (SMC) provisions**

#### **SMC 14.05.050 Administration and interpretation**

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

#### **SMC 14.225.030 Design Standards**

- A. The following design standards are hereby adopted in the Historic District, copies of which shall be kept available in the office of the City Planner:
  - 1. “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” as they now read or are hereafter amended;
  - 2. “Snohomish Historic District Design Standards,” as adopted by a resolution of the City Council.
- B. In the event of conflict between the above standards, the Secretary of the Interior’s Standards shall control.
- C. The above design standards shall be subject to interpretation in accordance with SMC [14.05.050](#) and obtaining variances in accordance with Chapter [14.70](#) SMC.

**SMC 14.255.050 Implementation of Design Standards – Reviewing Entity**

- A. Chapter [14.20](#) SMC establishes the processes wherein the City shall require conformance with the design standards.
- B. In the Historic District the Design Review Board (DRB) shall review and make recommendation to the Planning Director on conformance with the design standards for all development within the Historic District; provided, that the Planning Director may request review by any member of the DRB if the application, though not exempt (see SMC [14.225.060](#)), would result in only minor changes to the appearance of an existing building. The consulted Board member may complete and issue a recommendation to the Planning Director.

**SMC 14.225.060 Exemptions**

In the Historic District, all City approvals of property improvements, including exterior signs or fences, or demolitions (see SMC [14.225.080](#)) shall undergo design review as set forth in Chapter [14.20](#) SMC, except the following which are exempt:

- A. Development permits not immediately associated with building construction or landscaping, such as short plats, subdivisions, and land use designation changes unaccompanied by any actions related to site plans or building permit application.
- B. Construction activities which do not require a building permit (example: the repainting of buildings); and
- C. Modifications to existing structures which will not be visible from outside the structure

**Applicable Design Standards**

**Historic District Design Standards, Section V.6.B.3 (page 85)**

Sidewalk cafés can add to the streetscape and economic vitality of the Historic District, or they can become a nuisance. The City and the Design Review Board encourage eating establishments to carefully consider the elements of their outdoor seating areas. These elements include the furnishings and stanchions as well as the remaining sidewalk area for pedestrian access.

- a. Furnishings, including tables, chairs, stanchions, and barricades shall be consistent with the character of the Historic District. Plastic materials are prohibited. Metal or wood is preferred. Barricades may incorporate vegetation and seasonal plantings.
- b. All items placed in the Right of Way shall be temporary in nature and readily removable.
- c. If umbrellas are used, they shall not incorporate advertising of any kind.

**Interpretation**

**Discussion:**

Pursuant to SMC 14.225.060, sidewalk cafés are exempt from design review because they are not associated with construction activity; however, the standards of Section V.6.B.3 of

the adopted Historic District Design Standards specifically address them. PDS staff processes applications for sidewalk cafés by having an Individual Design Review (IDR) of the DRB conducted to evaluate consistency with the standards. At their regular meeting on April 9, 2025, the DRB discussed the possibility of an administrative review to streamline the permit review process. The Board's discussion centered on sidewalk café materials being temporary in nature and the objectivity of the design standards. The DRB concurred with staff's recommendation for administrative design review of sidewalk cafés.

**Analysis:**

The purpose of the sidewalk café permit is to verify conformance with the standards of Chapter 12.14 SMC and ADA requirements, ensure appropriate liability insurance is on file, and review the proposal against the applicable design standards. As discussed above, the objectively clear design standards can be reviewed administratively by staff to streamline the permit review process, as determined by the Design Review Board. An administrative review is also consistent with SMC 14.225.060, which exempts proposals that do not require construction permits from design review by the reviewing entity.

**Conclusion**

Sidewalk café application materials shall be reviewed administratively to evaluate consistency with the applicable standards.

Dated this 2<sup>nd</sup> day of October, 2025.



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Brooke Eidem, AICP  
Planning & Development Services Director

**NOTE:**

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.05.050. Any aggrieved party to the Planning Director's Decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in Chapter 14.75 SMC. If no timely appeal is filed, then the Planning Director's Decision shall be final. Appeals must be filed with City Clerk within 14 days from the date of this decision. Appeals must include a filing fee of \$500 (five hundred dollars).