



Temporary Streatery Permit Application Form

PA-17
APPLICATION

Community Development Department
501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A streatery allows restaurants and cafés, to use portions of adjacent street parking during operating hours, functioning as additional outdoor seating. City of Ellensburg streateries are limited to Pearl Street and Pine Street between West Third and West Fifth Avenues and West Fourth Avenue between North Water Street and North Pine Street, and other areas where business expansion can occur on adjacent street right of way and meet the requirements for sidewalk obstruction prohibition and all other public health and safety regulations, and as approved by the City in its sole discretion.

The Community Development Director will review the application and notify you if more information is needed or will deem the application complete. If the application is complete and meets all the requirements a permit will be drafted. To be valid the permit must be signed by the business owner and the Community Development Director. **The Streatery permit is temporary in nature, only, and is not a grant for any use of the City's right-of-way beyond the term of the permit.**

Contact the Community Development Department on the first floor of City Hall or telephone (509) 962-7231 for information or help with completing the permit application.

OFFICIAL USE ONLY:	
Staff Person:	
Date Submitted:	
FILE #:	

BUSINESS INFORMATION:

Business Name:	Phone #:	
Business Address:	Cell #:	
Mailing Address:	E-mail:	

CONTACT PERSON: Owner Tenant Other _____

Name:	Phone #:	
Mailing Address:		
E-mail:	Cell #:	

PROJECT INFORMATION:

Number of Parking Spaces Occupied:	Adjacent Business Name(s):	
Number of Tables:	Adjacent Business Name(s):	
Alcohol Service: <input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes," must obtain approval from the WSLCB for alteration request to add or extend liquor service.	
Heating Source <input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", what type and how many?	
Seating Area Covered <input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", with what material?	

SIDEWALK USE PERMIT APPLICATION CONTENTS: The following shall be required of a sidewalk use permit.

1.	<input type="checkbox"/>	Hold Harmless Agreement (see page 4)
2.	<input type="checkbox"/>	Certificate of Liability from an Insurance Company – City must be named as additional insured
3.	<input type="checkbox"/>	Site Plan of the area between the building frontage and edge of streatory area. Ensure social distancing requirements are met and illustrate how ADA standards will be met.
4.	<input type="checkbox"/>	Printed name and signature(s) of adjacent business owner(s).
5.	<input type="checkbox"/>	Fire Department Tent Membrane Permit, (required if tent or tarp structure is over 400 ft).

PROJECT REQUIREMENTS:

- Tables must be placed far enough apart when measured from occupied chair to occupied chair, to ensure 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.
- Tables, chairs, and any barriers must allow a minimum of six linear feet of unobstructed passage between tables, chair or barrier and the outside edge of the sidewalk and between any table, chair or barrier and any other object in or on the sidewalk such as street signage or trees.
- Number of chairs at each table shall be limited to five or less in accordance with the Washington State Safe Start reopening plan.
- The streatory must directly in front of the restaurant.
- All tables and chairs and barrier must be visible directly from the interior of the business.
- The seating must be separated from the travel way by at least 2 feet using fencing, barricades or planters with highly visible traffic cones, temporary barricades or delineators.
- Streatory location must not block access to bus stops or ADA parking.
- No Streatory infrastructure shall be located within 15 feet of a fire hydrant, nor obstruct a building's entrance, exit or crosswalk.
- Overhead coverings such as umbrellas, tents and shelters shall be pre-approved and shall not encroach into the pedestrian pathway or adjacent parking areas.
- Must conform with all laws, ordinances, and regulations regarding food handling in an outdoor setting including, but not limited to, Kittitas County Public Health Department regulations and Washington State licensing regulations.
- Must conform to the applicable provision, rules, regulations, and guidance of the Americans with Disabilities Act (ADA)
- The space may only be used between 7 a.m. and 10 p.m. seven days a week.
- If alcohol is served a barrier no less than 42 inches in height is required. The barrier must be a physical structure that bars movement between two areas and must be movable. It cannot be affixed to the sidewalk surface.
- Service of alcoholic beverages must be in accordance with the license and permit requirements of the Washington State Liquor and Cannabis Board.
- Streatory must conform with the "Outdoor Seating Requirements for Restaurants, Taverns, Breweries, Wineries, and Distilleries" issued by the Governor.

INSURANCE REQUIREMENTS:

- A. **Minimum Scope of Insurance** - The Permittee shall obtain insurance of the types and coverage described below:
1. **Commercial General Liability** shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover liability arising from operations, products-completed operations, and stop-gap liability. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City of Ellensburg shall be named as an additional insured under the Permittee's Commercial General Liability insurance policy using ISO Additional Insured-State or Political Subdivisions-Permits CG 20 13 or a substitute endorsement providing at least as broad coverage.
- B. **Minimum Amounts of Insurance** - The Permittee shall maintain the following insurance limits:
1. **Commercial General Liability** insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products- completed operations aggregate limit.

- C. **Other Insurance Provision** - The Permittee's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the Public Entity. Any insurance, self-insurance, or self-insured pool coverage maintained by the Public Entity shall be excess of the Permittee's insurance and shall not contribute with it.
- D. **Acceptability of Insurers** - Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- E. **Verification of Coverage** - The Permittee shall furnish the City of Ellensburg with original certificates and a copy of the amendatory endorsements, including the additional insured endorsement, evidencing the insurance requirements of the Permittee before issuance of the Permit.
- F. **Notice of Cancellation** - The Permittee shall provide the City of Ellensburg with written notice of any policy cancellation, within two business days of their receipt of such notice.

SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

I, _____, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I will comply with all requirements and any violation of the requirements could result in the termination of the streatory permit.

I understand the authorization and use of the Streatery is temporary. The terms and conditions of this permit are subject to change as the City Council determines appropriate, or as required by changes in the law, including emergency proclamations and directives issued by the Governor or other state agencies. The use shall cease when Kittitas County is approved to move into Phase 4 or in accordance with Washington State guidelines.

Signature of Legal Owner:
(or Authorized Agent)

Date:

SIGNATURES OF AUTHORIZATION:

Adjacent Business:	I do not object to this application for a Temporary Streatery Permit.		

	Business Name	_____	_____
	Owner Name	Signature	Date
Adjacent Business:	I do not object to this application for a Temporary Streatery Permit.		

	Business Name	_____	_____
	Owner Name	Signature	Date
Building Department Review Approval:	_____		
	Name	_____	Date
Planning Department Review Approval:	_____		
	Name	_____	Date
Fire Marshal Review Approval:	_____		
	Name	_____	Date



Community Development Department
501 N. Anderson St., Ellensburg WA 98926
Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Hold Harmless Agreement

The Permittee shall defend, indemnify and hold the City of Ellensburg, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with activities or operations performed by the Permittee or on the Permittee's behalf out of issuance of this Permit, except for injuries and damages caused by the sole negligence of the City of Ellensburg.

Should a court of competent jurisdiction determine that RCW 4.24.115 applies to this Permit, then the Permittee agrees to defend, indemnify and hold the City of Ellensburg, its officers, officials, employees and volunteers harmless to the maximum extent permitted thereunder. It is further specifically and expressly understood that the indemnification provided herein constitutes the Permittee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Name
Business (signature)

Date

Outdoor Seating Requirements for Restaurants, Taverns, Breweries, Wineries, and Distilleries

Restaurants, taverns, breweries, wineries and distilleries must ensure strict adherence to all measures established by 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 required to make their customers to wear cloth face coverings when interacting with their staff.

Outdoor seating occurs on sidewalks, patios, courtyards, or other similar outdoor areas adjacent to restaurants, taverns, breweries, wineries and distilleries. Outdoor structures for dining include tents, green houses, pods, igloos, and other similar structures. If previously used for activities other than dining, the structure must be completely cleaned and disinfected prior to use.

1. Before adding outdoor seating or using outdoor structures for dining, make sure your plans will comply with local building codes, your local health jurisdiction, and L&I requirements.
2. Party/table size is limited to five people.
3. For liquor licensees who want to add outdoor seating to their premises, please go to the Washington State Liquor and Cannabis Board (WSLCB) website, here, to access the Liquor Alterations Request Form. Please submit completed forms to liquoralterations@lcb.wa.gov.
4. **Outdoor structures should have no more than two walls to provide appropriate ventilation unless they meet one of these ventilation requirements:**
 - a. **Structures can have three walls if another opening exists that is large enough to create cross ventilation.**
 - b. Smaller outdoor dining structures, such as pods/igloos must:
 - i. Ensure the sanitation guidance in the [DOH COVID-19 Guidance for Food Establishments](#) is followed.
 - ii. Be limited to one dining party (five people) at a time.
 - iii. Keep doors and windows open when the structure is inhabited.
 - iii. Ensure the structure is aired out between dining parties. Wait 10 minutes to air the structure out before cleaning and sanitizing. A new party may not be seated until after sanitizing.
 - iv. Be as open as possible during cleaning and sanitizing and at a minimum, employees shall wear disposable masks (for medium risk).
 - v. Ensure orders and food delivery occur outside of the structure if possible.
5. **Lighting, electrical, ventilation and heating must not create a hazard for employees. Use caution with electrical cords; heaters must not produce carbon monoxide (such as propane heaters).** As noted above, plans need to comply with state and local requirements/permits. Adequate lighting for tasks such as cleaning and sanitizing must be provided.