



Right of Way Streatery Permit Application Form

PA-17
APPLICATION

Community Development Department
501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) comdev@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. Streateries may be located on one-way streets between Water Street and Ruby Street and between First Avenue and Fifth Avenue and must meet applicable city, state, fire, electrical, and building safety statutes, as well as for liquor service and other applicable agency requirements. Streateries must be operated in compliance with health district standards for food and beverage service or with ECC 4.14A, whichever is stricter. Any temporary structure over 200 sqft or enclosed on two or more walls will require a building permit. Community Development Staff will review the application for completeness and notify you if more information is needed. City review of an application will be completed within 30 days of receipt of a complete application and include review by other city departments and the fire marshal, as appropriate. Permits are issued for a maximum of one year. Renewal applications may be submitted no earlier than September 1 for use of the streatery or parklet the following year. Permits are valid for one year beginning January 1st each year. **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:	
Fees at time of submittal (additional fees due at issuance)	\$50 admin \$1000 bond
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 #:	

APPLICATION REQUIREMENTS:

Nonrefundable \$50 Admin Application Fee:	Y <input type="checkbox"/>	N <input type="checkbox"/>
Project Narrative w/ Dimensional Sketch (width, height, location description, boundary description w/ square footage of request):	Y <input type="checkbox"/>	N <input type="checkbox"/>
Construction Materials List with Color Names and Cutsheets:	Y <input type="checkbox"/>	N <input type="checkbox"/>
Requested Period of Time (if less than one year):	Y <input type="checkbox"/>	N <input type="checkbox"/>
No more than 4 parking stalls per block (including both sides):	Y <input type="checkbox"/>	N <input type="checkbox"/>
Hold Harmless Agreement:	Y <input type="checkbox"/>	N <input type="checkbox"/>

FEES (This section to be completed by Staff): Unless noted, all fees shall be due and payable at the time of permit issuance

1.	Nonrefundable Administrative Application Fee \$50 *Due at permit submittal	\$50
1.	Concession fee of \$.80 per square foot of streatory floor area per # of months requested (\$.80 x sqft____) x # of months requested _____	\$
2.	Parking stall fee of \$25 per stall per # of months requested. (# of stalls____ x # of months requested____) x \$25	\$
3.	12.84% Leasehold Excise Tax assess for the private use of city parking stall. (12.84% x Total from Item #2)	\$
5.	Annual Application fee of \$150	\$150
6.	Refundable cash bond due at time of application \$1,000	\$1,000

PROJECT REQUIREMENTS:

- A list of approved and prohibited materials can be found in ECC 4.14A.040 Materials and Colors.
- A streatory must be located fully or partially adjacent to the business that it serves; provided, that if the business is not adjacent to one or more suitable parking spaces, another business or property owner whose location is adjacent to the applicant may give written permission for the parking space in front of it to be used for a streatory.
- Streateries shall be located entirely within the approved space(s) and shall not extend to within two feet of the travel lane of the public right-of-way to allow for a required clear zone/buffer between the outside edge of any streatory and the travel lane. The travel lane is defined as the area between the end of the marked diagonal parking stalls on both sides of the street.
- Streateries shall not be located in ADA parking stalls, in front of fire hydrants or bus stops, or over the top of a city storm catch basin, water valve, gas valve, electrical vault, or sewer manhole. Streateries must meet applicable city and state statues, including fire, electrical, and building safety, as well as for liquor service and other applicable agency requirements found in ECC 4.14A.050.B
- Where only one parking stall exists between two streateries, or a streatory and parklet, on a block face, each of the two streateries (or streatory/parklet) must be set back at least one foot from the intervening parking space.
- Streateries must be protected at their end(s) from any adjacent vehicle parking space by a city-approved barrier or buffer. Each barrier or buffer must include adequate lighting or reflective markings for nighttime visibility to drivers. All barriers or buffers must be approved by the city engineer.
- A solid wall or screening is required on at least three sides of the streatory to provide separation from automobile traffic and parking as follows:
 - A solid wall or screening material shall meet the design criteria in subsections (A) and (B) of this section;
 - Screening shall primarily consist of: (i) lattice, picket, or solid fencing; (ii) fabric material; or (iii) containerized plantings;
 - In all cases, the wall or screening shall be between 42 inches and 12 feet in height while allowing for unobstructed views into the streatory between 30 inches and 42 inches high to ensure sight visibility between parked vehicles and vehicles in the travel lane; and
 - An applicant may propose a different material that provides both external views and a sense of separation, subject to approval by the director.
 - Reflecting markings or lighting, as approved by the city engineer, is required along the traffic side for nighttime visibility to drivers.
- Fuel-burning heaters and open flames, such as candles, torches and fire pits, are not allowed within three feet of any fabric (including tents and canopies) unless approved by the fire marshal.
- Follow all relevant fire and electrical code requirements. All electrical service shall be installed overhead at a minimum height of eight feet and used for lighting purposes only. Sidewalks must be free of trip hazards.
- Signage. No more than one sign shall be allowed on commercial structures in city right-of-way, as permitted under this chapter. The sign must be no greater than 18 inches in length and eight inches in height and must not be internally lit

nor have components that wave or otherwise appear to move. Signs shall not be attached to the ground, but may be attached to or part of the structure so long as it does not interfere with traffic or sight visibility.

- Maintenance. The permittee is responsible for maintenance of all streatory components, including surface and furniture cleaning, and keeping the area underneath and adjacent to the streatory free of obstruction so that stormwater can flow freely at the curb.
- Installation and Removal.
 - The permittee is responsible for providing and installing all components of the streatory and for removing the components when the permit has expired. No permanent attachments to the street or sidewalk are allowed.
 - The city may also require removal of the streatory, as needed, to address emergency conditions or infrastructure maintenance or repair. When possible, the city will provide a 90-day written notice for scheduled maintenance.
 - The permittee is responsible for the moving of the streatory for emergencies or scheduled maintenance. If the streatory is not moved by the permittee as requested by the city, all costs incurred by the city to remove or relocate structures due to emergency and/or scheduled maintenance are the responsibility of the permittee.
- City staff may provide additional details or guidance for permittees to implement this section, consistent with direction from the city engineer and the community development director or their respective designees.
- Permits approved under this chapter are temporary and shall not create any property interest or vested rights, and may be revoked at the sole discretion of the city upon 30 days' written notice. The city may also revoke a permit without notice if it finds that the permit has been issued based upon false information, when the permittee exceeds the scope of the permit, or the activities occurring under the permit are found to cause unreasonable impacts to public health, safety or welfare or city operations and maintenance, or a structure has not been constructed, maintained or used in accordance with the provisions of this chapter.
- Permits may also be revoked if:
 - Following written notice of the lapse of insurance policy required to be maintained under this chapter, the permittee fails to supply a valid certificate of insurance within seven days of notification by the city of the lapse; or
 - Following written notice of the nonpayment of an annual application fee or fees for the exclusive use of the right-of-way, the permittee fails to bring fees/account current within seven days of the notice.
- The structural components of a streatory must be completed and approved by the city (if required) within 30 days of street use permit approval or the commencement of operations, whichever is first, or the city may revoke the permit to avoid leaving the parking space unavailable for use. A notice of potential revocation shall be provided by the city to the permittee at least 10 days in advance of revocation.
- If any such structure, obstruction, use or occupancy is not discontinued following notice of revocation by the city, the city engineer may remove any structure or obstruction, or make such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee, and such expense may be recorded as a lien and otherwise collected in the manner provided by law.

INSURANCE REQUIREMENTS:

- A. **Minimum Amounts of Insurance** - The Permittee shall maintain the following insurance limits:
Commercial General Liability insurance shall be written with minimum limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate. A certificate of insurance naming the city as an additional insured, with respect to liability, and providing that it shall be primary as to any other policy of insurance.
- B. **Other Insurance Provision** - If alcohol is served the permittee must also procure and maintain Liquor Liability insurance in the amount of not less than \$1,000,000 per occurrence. The city must be named as additional insured on the Liquor Liability insurance.
- C. **Verification of Coverage** - Certificates of insurance and all necessary endorsements shall be submitted to the city for approval prior to permit issuance. Acceptability of insurance is subject to approval by the office of the city attorney. The applicant is responsible for ensuring that insurance requirements as detailed herein, or as may be revised, are maintained throughout the duration of the permitted right-of-way use. The director, in consultation with the city attorney, may waive or modify the insurance requirements contained herein when the permitted activity poses minimal risk to persons and property.

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.

Signature of Legal Owner:
(or Authorized Agent)

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