



# TEMPORARY RIGHT OF WAY USE PERMIT APPLICATION

*Community & Economic Development*  
 City of Arlington • 18204 59<sup>th</sup> Avenue NE • Arlington, WA 98223 • Phone (360) 403-3551

<b>BUSINESS NAME:</b>	
<b>APPLICANT / BUSINESS OWNER</b>	
Name:	
Address:	
City:	State:                      Zip:                      Phone:
Email:	
City of Arlington Business License #:	WA Business License #:
<b>PREFERRED CONTACT INFORMATION</b>	
Address:	
City:	State:                      Zip:                      Phone:
Email:	
<b>CAFÉ:</b> Outdoor food service with standing, tables or chairs. Maybe located on the sidewalk or private parking lot. <b>PARKLET:</b> An extension of the sidewalk using the parking lanes to provide additional space. May include outdoor food service with standing, tables or chairs.	

Café - Outdoor Seating/Dining Location Description (include street name(s) the café will be fronting):  
 \_\_\_\_\_

Parklet Location Description (include street name(s) the parklet will be fronting): \_\_\_\_\_

Merchandise Display Location: \_\_\_\_\_

Existing food service establishment permit?  Yes                       No

Liquor to be sold or consumed on premises?  Yes                       No

Liquor served or consumed in Café or Parklet?  Yes                       No

Sidewalk Width (building to back of curb): \_\_\_\_\_ feet

Sidewalk Use Dimensions: \_\_\_\_\_ Ft.    x    \_\_\_\_\_ Ft. (L x W)

Remaining Sidewalk Width (use boundary to obstruction such as tree, meter bike rack, etc. - minimum 5 feet required): \_\_\_\_\_ feet

Number of Tables / Seats (include standing service areas):                      Tables: \_\_\_\_\_                      Seats: \_\_\_\_\_

Months of Operation: \_\_\_\_\_ to \_\_\_\_\_

Days of Operation (i.e. Monday - Saturday): \_\_\_\_\_ thru \_\_\_\_\_

Hours of Operation (i.e. 11 am - 9 pm):  am     pm    to     am     pm

Will the Café be on a deck or elevated surface?  Yes                       No

*If yes:*

Square footage of deck: \_\_\_\_\_ Square feet

Highest elevation of walking surface from sidewalk surface: \_\_\_\_\_ Feet / Inches

# TEMPORARY RIGHT OF WAY USE SUBMITTAL REQUIREMENTS

A minimum of an 8 ½ x 11 inch Site plan must be submitted with the following information included:

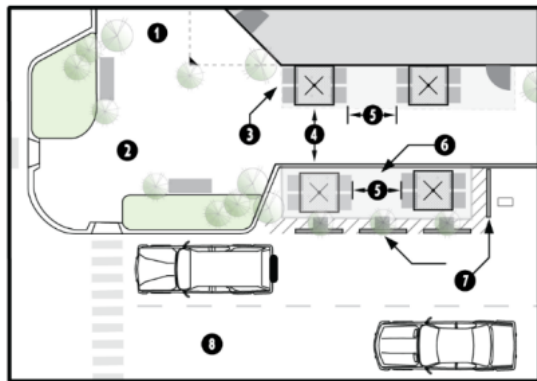
## CAFÉ and PARKLET - SUBMITTAL REQUIREMENTS

- Dimension of Building /Business Frontage
- Sidewalk Dimensions:
  - o Curb to Building
  - o Curb to Use Area
- Dimensions of Parking Area directly adjacent to associated business or property that is applying for the permitted use
- Distance from Obstructions:
  - o Identify street trees, tree wells, light poles, signs, hydrants, bike racks, benches, newspaper boxes, garbage cans, etc.
  - o **Minimum of five (5) feet clearance is required**
- Identify ADA ramps, and ADA parking spaces; show an accessible route without impact to the ramps or parking spaces, *(if applicable)*
- Show Loading Zone and driveway approaches, *(if applicable)*
- Alley *(if adjacent)*
- Parklet must be physically blocked from traffic
- Provide proposed Parklet site plan, see example **Diagram 1** and **2**

## CAFÉ and PARKLET - Permitted Use must comply with the following requirements:

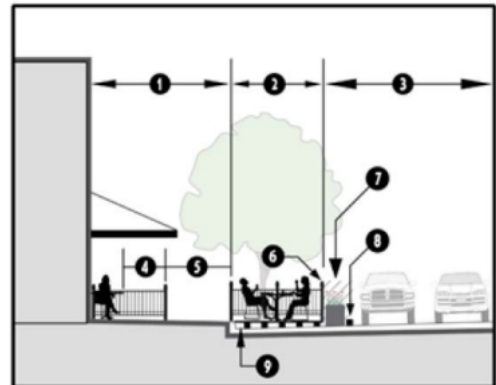
- Use must be sited in a manner that does not inhibit the operation, maintenance, visibility, or functionality of any utilities or street fixtures
- All installations shall be easily removable. Bolt down features with threaded studs protruding from the sidewalk, or similar mounting features, are not permitted.
- Must show that all applicable “social distancing” requirements can be met/maintained
- Must show ADA Compliance within the Use Area
- An overhead clear zone of eight (8) feet must be maintained
- Use must occur in front of the business or property that is applying for permitted use

**Diagram 1**



- |                         |  |
|-------------------------|--|
| 1 Sidewalk              | 5 6' min back of chair to back of chair                              |
| 2 Bump-out              | 6 Parklet cafe seating   |
| 3 Sidewalk cafe seating | 7 Wheel-stop to create a 2' clear zone from travel lane (no seating) |
| 4 60" width clear path  | 8 Vehicle travel lanes   |

**Diagram 2**



- |   |  |
|---|--|
| 1 Sidewalk  | 5 60" width sidewalk clear path                        |
| 2 Parklet cafe seating, raised level to sidewalk                                | 6 Barrier from travel lane                             |
| 3 Vehicle travel lanes  | 7 2' clear zone (no seating)                           |
| 4 If sidewalk seating is fenced, maintain 48" min for ADA access and clear path | 8 Wheel stop   |
|   | 9 Keep 6" clear from curb for stormwater flow to drain |

If outdoor space is available for your business to create temporary outdoor Café or Parklet, it must follow all guidance from the State of Washington Stay Home, Stay Healthy order during the Phase we are currently operating in.

For Phase 2, this includes tables being placed 6 feet apart when measured from occupied chair to occupied chair, and tables would seat no more than 5 people (see Diagram 1).

More information available at <https://coronavirus.wa.gov/information-for/business>.

- For Café or Parklet, Outdoor Dining or Seating serving Liquor, provide written approval from the Washington State Liquor and Cannabis Board (WSLCB) and any applicable approval from the Snohomish Health District.
- Signed and dated copy of the Hold Harmless and Indemnity Agreement pursuant to Arlington Municipal Code 12.50.120
- Proof of Commercial General Liability Insurance coverage in the amount of \$2,000,000 naming the CITY OF ARLINGTON, 238 N Olympic Avenue, Arlington, WA 98223 as ADDITIONALLY INSURED (Certificate of Insurance)

- Application and Review Fees
  - Application Fee \$65.00
  - Processing/Technology Fee \$25.00
  - Annual Lease Rate is based on square footage of right of way use.
  - Leasehold Tax (currently 12.84%) is percentage of total fees.



- \*Please enclose the following:***
  - ***Application fee and Processing/Technology fee (\$90.00)***
  - ***Completed Application, and***
  - ***Site Plan***

***Annual Lease fee and Leasehold Tax fee will be due at time of issuance.***

Total Leased Area \_\_\_\_\_ Sq. ft.      Current Annual Rate per Sq. ft. \$ \_\_\_\_\_ OTBD 1, 2, 3  
 Current Annual Rate per Sq. ft. \$ \_\_\_\_\_ All Other Zones  
 Current Leasehold Tax Rate \$ \_\_\_\_\_

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Date

Please submit the Completed Application, Hold Harmless and Indemnity Agreement and Site Plan by one of the following methods.

Email: [ced@arlingtonwa.gov](mailto:ced@arlingtonwa.gov)  
 Mail or Deliver to: 18204 59<sup>th</sup> Avenue NE, Arlington WA 98223 (drop off box in foyer)

Payment may be made by check (note on the check memo line: Right of Way Use and Business Name) or indicate if you would like us to email a link for payment by debit/credit card.

# TEMPORARY RIGHT OF WAY USE PERMIT HOLD HARMLESS AND INDEMNITY AGREEMENT

For consideration of permission by the City of Arlington to the undersigned Permittee(s) to utilize public Right of Way for private use at \_\_\_\_\_ to be in operation from \_\_\_\_\_ to \_\_\_\_\_ (month/year) between the hours of \_\_\_\_\_ and \_\_\_\_\_ the undersigned Permittee(s) agree(s) to hold harmless and indemnify the City of Arlington, its officers, agents, and employees, from any and all liability, claims, actions, judgements, damages, or injuries of every kind and nature whatsoever, by or to any and all person or property which damage or injury arises out of the above described right of way use, whether the liability, claims actions, judgements, damages, or injuries are caused by, or arise out of the negligence of the City of Arlington, its officers, agents, or employees. The Permittee(s) agree(s) to waive all claims against the City of Arlington, its officers, agents or employees on account of any loss, damage, or injury from whatever cause which may occur to Permittee(s) or Permittee's(s') property, arising out of the above described right of way use. Permittee(s) also agree(s) to reimburse the City of Arlington for any damage done to City property arising out of the described use.

The undersigned Permittee(s) agree(s) to defend the City of Arlington, its officers, agents, and employees, against any claims brought or actions filed against the City of Arlington, its officers, agents, and employees with respect to the sidewalk café, whether such claims or actions are rightfully or wrongfully brought or filed. In case a claim should be brought or an action filed with respect to the right of way use, the undersigned Permittee(s) agree(s) that the City of Arlington may employ attorneys of its own selection to appear and defend the claim or action on behalf of the City of Arlington, its officers, agents or employees, at the expense of the undersigned Permittee(s).

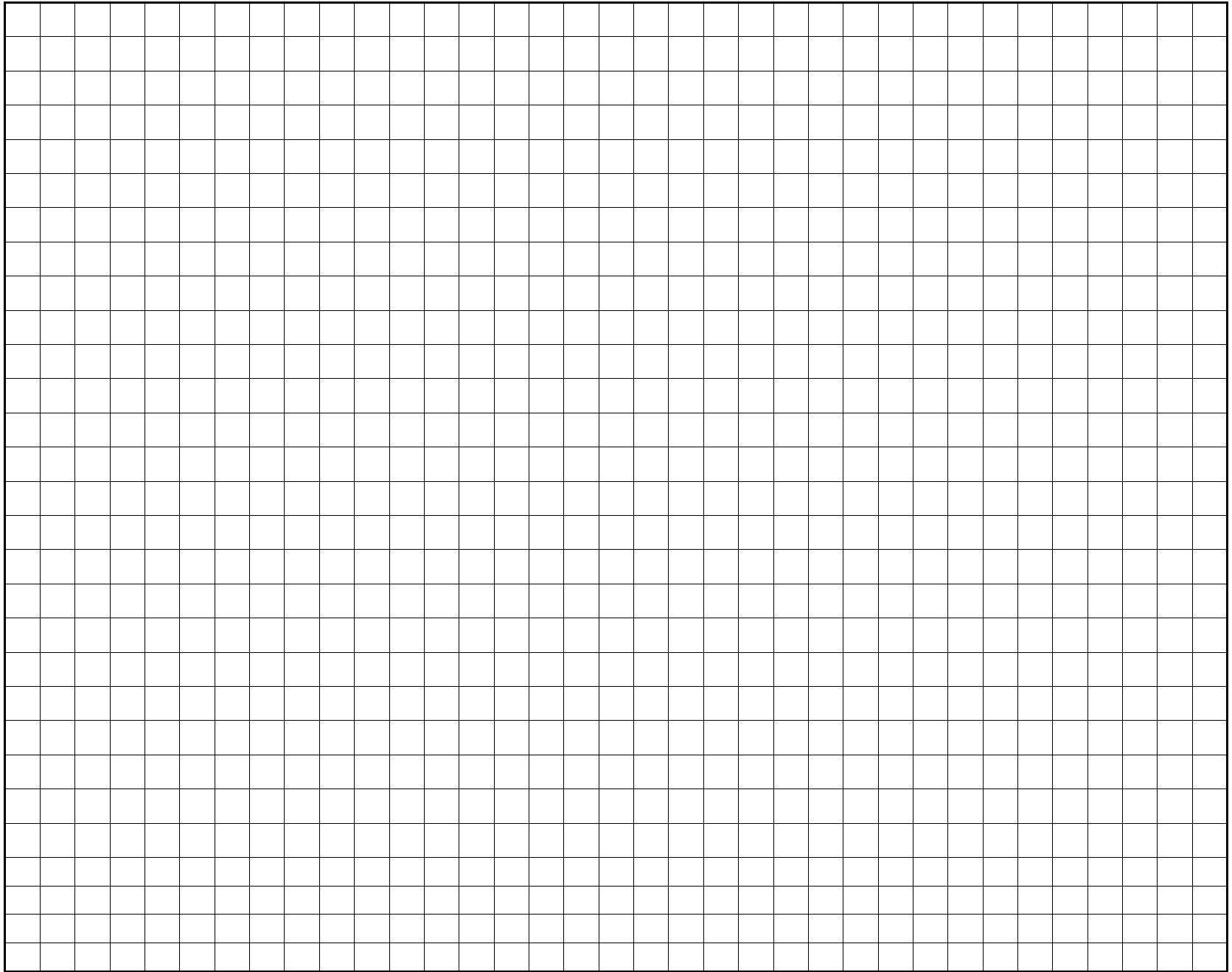
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF ARLINGTON**

**PERMITTEE(S)**

_____ Marc Hayes, Director  Community & Economic Development 18204 59 <sup>th</sup> Avenue NE Arlington WA 98223	Business Name: _____  Owner Signature: _____ Owner Name: _____  Mailing Address: _____ City, State, Zip: _____
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**ROW USE SITE PLAN**





# COVID-19 SUPPLEMENT TO APPENDIX E FOR TENTS & OUTDOOR HEATERS

*Community & Economic Development*

City of Arlington • 18204 59<sup>th</sup> Avenue NE • Arlington, WA 98223 • Phone (360) 403-3551

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## Temporary Operational Permit Provisions for Tents & Outdoor Heaters during the Pandemic

### Permitting Information and Exceptions Provided for Using Outdoor Spaces when Public Health Rules Limit Indoor Assembly Uses

Tents pose a life safety risk due to flammability and collapse considerations. Larger tents are regulated by the Fire and Building Codes. Sources of heat can also pose risks, whether the heat is provided by propane/Liquefied Petroleum Gas (LPG) or electricity. This document presents a summary of code requirements as well as current exceptions allowed during the COVID emergency operational mode we are experiencing.

#### 1.0 TENTS

A City of Arlington Operational Permit is required for a temporary tent, canopy, or air-supported structure that exceeds four-hundred (400) square feet in size. Tents four-hundred (400) square feet and smaller do not require an Operational Permit.

**1.1 No-fee permit during the COVID emergency:** The City of Arlington will issue a no-fee operational permit for tents to responsible parties who are moving some or all of their service or business outside due to public health rules limiting indoor use. A typical example would be outdoor dining. The no-fee operational permit includes conditions you must follow regarding tent materials and installation to comply with safety requirements in the fire code. The permit is valid for ninety (90) days from date of issuance. In the event ninety (90) days have passed from the date of issuance, and the Governor's proclamation is still in effect limiting indoor dining, the permit will be automatically extend an additional ninety (90) days.

If you are renting your tent from a tent company, please notify the company if you are eligible for the no-fee operational permit and check the invoice to ensure they are not inadvertently charging you for any City of Arlington operational permit fees.

**1.2 Make sure your tent can be approved by the Building Official and/or Fire Marshal:** If you are purchasing a tent greater than four-hundred (400) square feet, please ensure that it meets the International Fire Code flame retardant standards. You will be required to accept responsibility and liability for the proper installation of the tent per industry standards and/or manufacturer's installation instructions. Temporary tents should not be occupied during periods of snow or ice accumulation unless designed for full structural loading per the International Building Code. Tents four-hundred (400) square feet and smaller should be removed during snow and ice accumulation and wind events. Tents rented through a reputable tent rental company will meet International Fire Code standards and the tent company will assume liability for proper installation.

**1.3 How close to a building can a tent be installed?** For example, tents covering dining tables generally require a set-back between tents and buildings of a minimum of ten (10) feet, primarily to allow access for emergency services. Spacing between tents greater than four-hundred (400) square feet requires a minimum separation of twelve (12) feet.

#### **1.4 What are the full permit conditions for an operational permit for a tents?**

Please see Section 3.0

## **2.0 OUTDOOR HEATING AND LIGHTING**

**2.1 Electric heaters and lighting** are allowed outside as well as inside tents and do not require a separate permit from the City of Arlington. Electric heaters are allowed to be powered by a single, heavy-duty extension cord which must be plugged directly into an approved receptacle or outlet. Extension cords, if used for lighting, can only be used on a temporary basis and must not be installed for permanent use. They must not be connected to each other and should never be attached to permanent fixtures or pass through holes in walls. Any significant electrical outlet must remain covered. This applies to junction boxes, circuit breaker panels, and any type of outlet box. Electrical cords must be protected from wear and damage and to avoid trip hazards.

**2.2 Propane/LPG heaters** are allowed outside as well as inside tents and do not require a separate permit from the City of Arlington. Propane/LPG heaters shall be radiant-type heaters having a self-contained twenty (20) lb. or smaller propane tank. Propane radiant-type heaters must be listed and used in accordance with the manufacturer's recommendation and located no closer than three (3) feet from combustibles, including the tent or membrane structure. Propane radiant-type heaters must also have tip over switches, which automatically shuts off the flow of propane to the appliance if the appliance is tilted more than fifteen (15) degrees from vertical.

## **3.0 PERMIT CONDITIONS: TEMPORARY TENT PERMITS**

**3.1** Minimum number and width of exits/egress ways shall be as listed on the chart below. Maximum travel distance to an exit shall be one-hundred (100) feet when inside the tent. *(2015 IFC Section 3103.12.2)*

<b>Occupant Load</b>	<b>Minimum number of means of egress</b>	<b>Minimum width of each means of egress (inches)</b>
10 to 199	2	72
200 to 499	3	72
500 to 999	4	96
1,000 to 1,999	5	120
2,000 to 2,999	6	120
Over 3,000	7	120

**3.2** Each exit shall be provided with a lighted "EXIT" sign with letters at least five (5) inches in height. *(2015 IFC Section 3103.12.6)*

**3.3** Provide at least one fire extinguisher rated a minimum of 2-A:10-B:C for each tent. The location of each extinguisher shall be marked by signs, which are clearly visible. The maximum travel distance to any fire extinguisher within the tent shall be fifty (50) feet. *(2015 IFC Section 3104.12)*

**3.4** Post "NO SMOKING" signs, which are readily visible throughout the tent/canopy, and enforce this policy. *(2015 IFC Section 3104.6)*

**3.5** The grounds, both inside and outside, shall be kept free and clear of combustible waste. Any waste shall be removed and stored in an approved manner. *(2015 IFC Sections 3104.21 & 3104.22)*

**3.6** There shall be no open flame devices or demonstrations allowed in the tent without prior approval by the Building Code Official and/or Fire Code Official. *(2015 IFC Section 3104.7)*

**3.7** The sidewalls drop and top of the tent shall be of flame retardant material. *(2015 IFC Section 3104.2)*

**3.8** Any unforeseen conditions that would present a fire hazard, or would contribute to rapid spread of a fire, or would delay or interfere with a rapid exit from the tent, which are not covered by this permit, shall be immediately abated or corrected. *(2015 IFC Section 105.3)*

**3.9** Electric powered heating devices are allowed inside the tent. Electric powered heating devices shall have tip over protection.

**3.10** Electric heaters and other electric appliances shall be listed and approved by UL, FM or other approved testing agencies. *(2015 IFC Section 605.7)* Cords for electric heaters shall either be plugged directly into approved heavy-duty extension cords or approved receptacles. Only a single extension cord per appliance/heater may be used and all extension cords shall connect directly to an approved receptacle.

**3.11** All power cords in walkways to be contained within a cord cover.

**3.12** Portable liquid propane/LPG fueled radiant-type heaters may be allowed inside of a tent or membrane structure upon approval by the Building Code Official and/or Fire Code Official.

**3.13** Portable propane/LPG radiant-type heaters must have tip over protection and be located no closer than three (3) feet from combustibles, including the tent or membrane structure. Only radiant-type heater with self-contained propane tanks not exceeding 20 lbs. capacity shall be allowed.

**3.14** To be valid, this permit including attachments must be posted near the occupancy/activities. *(2015 IFC Section 105.3.5)*

**NOTE:** These conditions are for temporary operational permits for tents and membrane structures issued during COVID emergency operations and are subject to change once COVID emergency operations are no longer in effect.

**For more information,** please contact the Arlington Community and Economic Development Department at (360) 403-3551 or [ced@arlingtonwa.gov](mailto:ced@arlingtonwa.gov).

*Thank you for your commitment to public safety,*

*We wish you a safe and successful 2020/2021.*