

## City of Edmonds Development Information



### **STREET USE PERMIT REQUIREMENTS**

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**A Street Use Permit is required to place or maintain in, over or under any public place, right-of-way, roadway, parking strip and/or sidewalk, including the air space above them, any object that is temporary in nature. Street Use Permits are regulated under Edmonds Community Development Code (ECDC) Chapter 18.70.**

**Temporary in nature** means not having or requiring permanent attachment to the ground, or involving structures which have no required permanent attachment to the ground.

**Temporary objects** include, but are not limited to signs, planters, benches, tables/chairs, flags, clothing racks, and artwork.

**Bistro Dining** is a use of the right of way that may also be permitted with a Street Use permit. See Handout #E75A for more information.

**Property owners or business owners** may apply for Street Use Permits and are responsible for providing and continually maintaining insurance. A new street use permit must be applied for and obtained whenever there is a new business or property owner.

#### **OTHER PERMITS & CODES:**

When required, a separate building permit shall be issued in conjunction with the Street Use Permit. Street Use Permits shall comply with ECDC Chapter 18.70, as well as ECDC Chapters 17.65, 17.70.040 and 20.60.080, and the current editions of the International Building Code and Sign Code.

#### **FEES:**

- Street Use Permit Fee + City Surcharge
  - Additional fees applicable to Bistro Dining (refer to handout #E75A)
- Please see [Fee Schedule](#) for complete list of fees.

#### **SUBMITTAL REQUIREMENTS:**

1. Architectural Design Board approval, when applicable. Contact the Planning Division.
2. Certificate of Insurance (sample attached)
3. Street Use Agreement (enclosed).
4. Building Permit application (enclosed), when applicable. Contact the Building Division.

## **CERTIFICATE OF INSURANCE REQUIREMENT**

The applicant is required to provide and continually maintain during the term of the permit 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. The City of Edmonds requires insurance coverage of a minimum of \$300,000 Personal Injury and \$100,000 Property Damage.

- The policy must contain the additional insured statement, coverage amounts and cancellation notification indicated on the attached sample insurance form.
- A copy of the insurance certificate shall be provided to the City at the beginning of each calendar year, no later than the 15th day of January.
- Failure to maintain insurance will result in revocation of the permit.

## **APPEAL PROCEDURE**

The decision of the Development Services Director, City Engineer, or their respective designees, to issue or deny the street use permit may be appealed to the hearing examiner as a Type II decision under the procedures set forth in Chapter 20.06, provided, however, that the establishment of compensation for use of the public right-of-way is a legislative decision of the city council and is not subject to judicial review. Appeal fees and recording fees are due at the time of filing. A current fee schedule is available in the Development Services Department.

## **REVOCAION**

All Street Use Permits approved by the City shall be temporary, shall vest no permanent rights and may in any case be revoked using the procedures of ECDC Section 18.70.040.

## **DETERMINING LOCATION OF CITY RIGHT OF WAY**

Contact the Engineering Division for a monument location map and the width of the street right-of-way (ROW). This map will be useful to determine the edge of the City ROW and the start of private property. Street monuments indicate the approximate middle of the street ROW. Note, the middle of the paved surface does not necessarily indicate the middle of the ROW.

- \* For example, if a street ROW is 60' in width, by locating two street monuments and stringing a line between them, it is possible to measure back 30' (one half of the 60' ROW width) to determine the approximate edge of the ROW and of your private property. However, note that the only way to determine the exact location of the edge of the ROW is to have it located by a surveyor.

## **LOCATING EASEMENT AREAS**

Exact width and location of all easements on your property can be found within the legal description of your property. City Easement information is on file with the City Engineering Division.

**SEE SEPARATE HANDOUTS:**

**Bistro Dining (#E75A)**

**Encroachment (#E26)**

**Right-of-Way Construction (#E63)**

**Artwork In The Public Right of Way (E75B)**

**Attachments:**

Street Use Permit Agreement

Sample Certificate of Insurance

**Note: This information should not be used as a substitute for City codes and regulations. The Edmonds Community Development Code (ECDC) may be viewed at [www.edmondswa.gov](http://www.edmondswa.gov). The applicant is responsible for ensuring compliance with the fees and regulations that are applicable at the time of submittal. If you have a specific question about a certain aspect of your project, please contact the Engineering Division at 121 Fifth Avenue North, (425) 771-0220. Please note that other local, state, and/or federal permits or approvals may be required.**



# STREET USE AGREEMENT

PROPERTY OWNER NAME: \_\_\_\_\_ Phone \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_

BUSINESS OWNER NAME: \_\_\_\_\_ Phone \_\_\_\_\_

ADDRESS OF PUBLIC USE: \_\_\_\_\_

DESCRIPTION OF PUBLIC USE: \_\_\_\_\_

- 18.70 STREET USE AND ENCROACHMENT PERMITS
- 17.65 LIMITED OUTDOOR DISPLAY OF MERCHANDISE
- 17.70.040 TEMPORARY USES; Bistro and outdoor dining
- 20.60.080 TEMPORARY SIGNS

**PERMIT CONDITIONS:**

The Property and/or Business Owner, \_\_\_\_\_, agrees to meet all requirements of the Code Sections referenced above as well as meet the conditions listed below for the temporary object(s) approved under Street Use permit ENG\_\_\_\_\_.

- It has been concluded that the proposal will not adversely impact public space open to vehicular or pedestrian travel or interfere with the rights of the public;
- Requirements of the State Building Code, including but not limited to all provisions relating to disabled accessibility and barrier-free design requirements shall be met;
- Architectural Design Board approval has been granted or has been administratively approved;
- Any mobile vending units shall be properly licensed pursuant to Chapter 4.12 ECC;
- All temporary objects, excluding approved awnings and wall signs, that project more than 24 inches into the right of way shall be removed each day at the close of business or by 11pm whichever is earlier.
- Items shall be placed adjacent to the building and may encroach onto a maximum of two feet of the public sidewalk; or in accordance with Bistro and outdoor dining code; or per an approved building permit;
- The design and use shall comply with all requirements of State law, City ordinance and City policy;
- Storage Containers or PODS, if approved, shall be limited to a maximum of three (3) days in right of way. Approved reflective traffic control devices shall surround at all times;
- Safe pedestrian travel area, or clear zone, of 5 feet minimum width shall be maintained on City sidewalks; (see definition of clear zone below)
- Exterior light fixtures, banners, signs and flags must be a minimum of 7 feet above City right-of-way;
- Noncommercial off-premise signs shall be only portable freestanding signs and are limited to six(6)sf in size and no more than 3ft in height;
- Noncommercial off-premise signs are limited to a cumulative display time of 60 days per calendar year (excludes campaign signs). If related to specific meeting or event then must be removed within 48hrs following the conclusion of the meeting or event;

- Commercial off-premises temporary signage is prohibited, except for real estate signs as permitted by ECDC 20.60.065.
- Clear landings of 5 feet or no less than the width of the door (whichever is greater), measured toward the street, shall be maintained on the exterior side of all required exit doors;
- Illumination from City light fixtures shall not be blocked;
- No objects shall be hung from City light standards or Flower poles; and
- Three feet of clearance around fire hydrants, standpipes, manholes, water meters, blowoffs, cleanouts and valves shall be maintained.

**Clear Zone Definition:** A Clear Zone refers to an area 7 feet in height and 5 feet in width providing a level, safe walking surface along the public sidewalk. Clear zone on sidewalks shall not include any curbing, planting strips or ramps.

**PROPERTY/BUSINESS OWNER TO READ AND SIGN**

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*NOTE: The issuance of this permit is understood by the property/business owner to be of a temporary nature, shall vest no permanent right and shall be issued and may in any case be revoked at the sole discretion of the City per ECDC 18.70.040. By signing this application, s/he accepts responsibility for all existing and/or future street uses. **Property/business owner is responsible to continually provide a current copy of the insurance certificate to the City.***

*INDEMNITY: The property/business owner understands and by his/her signature to this application, agrees to hold the City of Edmonds harmless from any injuries, damages or claims of any kind or description whatsoever, foreseen or unforeseen, that may be made against the applicant or the City of Edmonds, or any of its departments or employees, including but not limited to the defense of any legal proceedings including defense costs, court costs, and attorney fees by reason of granting this permit. In addition, the property/business owner understands that he/she shall provide and continually maintain during the term of the permit 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.*

*CODE APPLICATION: By signing below the property/business owner warrants that s/he has read or had the opportunity to read Chapter 18.70, 17.65, 17.70.040, and 20.60.080 of the Edmonds Community Development Code and s/he understands that all terms of the adopted ordinance are incorporated herein as if set forth in full and permits therefore are subject to the terms of those Chapters.*

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_  
**Property Owner/Business Owner**

**MAILING ADDRESS:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

<p><b>FOR CITY USE ONLY</b></p> <p><b>Engineering Approval:</b> _____ <b>Date:</b> _____</p>
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# CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER



# SAMPLE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A**COMPANY LETTER **B**COMPANY LETTER **C**COMPANY LETTER **D**COMPANY LETTER **E**

INSURED

Property Owner Name  
Property address of street use or encroachment if different from mailing address.

## COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
					GENERAL AGGREGATE	\$
	<b>GENERAL LIABILITY</b>				GENERAL AGGREGATE	\$
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE	\$
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCURRENCE				<b>PERSONAL INJURY</b>	\$ 300
	<input type="checkbox"/> OWNER'S & CONTRACTORS PROTECTIVE				<b>PROPERTY DAMAGE</b>	\$ 100
					FIRE DAMAGE (ANY ONE FIRE)	\$
					MEDICAL EXPENSE (ANY ONE PERSON)	\$
	<b>AUTOMOBILE LIABILITY</b>				CSL	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (PER PERSON)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (PER ACCIDENT)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	\$
	<input type="checkbox"/> HIRED AUTOS					
	<b>EXCESS LIABILITY</b>				EACH OCCURRENCE	AGGREGATE
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$	\$
	<b>WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY</b>				STATUTORY	
					\$	(EACH ACCIDENT)
					\$	(DISEASE-POLICY LIMIT)
	<b>OTHER</b>				\$	(DISEASE-EACH EMPLOYEE)

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

It is understood and agreed that the City of Edmonds is named as an additional insured for the \_\_\_\_\_ (description) located at \_\_\_\_\_ (address) \_\_\_\_\_ in the City right-of-way.

**\*Updated Insurance certificate to be provided to the Engineering Division within 20 days of term expiration.**

## CERTIFICATE HOLDER

City of Edmonds  
Engineering Division  
121 5<sup>th</sup> Avenue North  
Edmonds, WA 98020

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL **30** DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE