

**Purpose of Permit:** Some businesses in Mountlake Terrace may be able to expand their capacity to seat or serve customers during a modified Phase 1, Phase 2 and Phase 3 of the *Safe Start Washington* order through a temporary permit for outdoor uses. This will provide space for outdoor activity so that restaurants and other merchants can follow physical distancing guidelines while resuming operations.

All uses allowed under the Temporary Outdoor Use Permit are intended to be temporary and moveable. No permanent structures will be permitted.

Outdoor uses for café seating, merchandise sales and similar business may be made up of a combination of sidewalk space and private parking areas, or limited opportunities for food trucks.

The allowance of temporary outdoor uses should be mindful of adjacent business and residential uses.

**Who can get a Temporary Outdoor Use Permit?** If you can answer yes to the questions in the sections below, you may be able to add outdoor activities to your business. A list of submittal requirements and conditions for each type of outdoor activity begins on page 5.

Sidewalk Space Converted into Outdoor Use	Convert Private Parking into Outdoor Use	Tents and Food Trucks
<ul style="list-style-type: none"> <li><input type="checkbox"/> With the addition of café seating, or placement of merchandise, the sidewalk next to the business can still provide a continuous five-foot minimum clear walkway</li> <li><input type="checkbox"/> Proposed outdoor use area will not impact ADA standards and an accessible route will be maintained</li> </ul> <p><b>See diagrams next page</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Private parking utilized is next to or near the entrance or exit to the related business</li> <li><input type="checkbox"/> A maximum of 25% of available parking would be used</li> <li><input type="checkbox"/> Property owner approves of converting some parking to seating/merchandise and location.</li> <li><input type="checkbox"/> Proposed outdoor use area will not impact ADA spaces and an accessible route will be maintained</li> </ul> <p><b>See diagrams next page</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Proposed outdoor use area will not impact ADA standards and an accessible route will be maintained</li> <li><input type="checkbox"/> Maximum of 25% of available parking would be used. If shared parking, property owner must approve of converting some parking to seating/merchandise location</li> <li><input type="checkbox"/> Proposed use area is entirely on private property</li> <li><input type="checkbox"/> Food trucks must arrive and leave location on a daily basis</li> <li><input type="checkbox"/> A business must apply for the temporary use of a food truck to directly aid its business activities</li> <li><input type="checkbox"/> Portable generators for tents and food trucks will be reviewed and inspected by the Fire District</li> </ul>
<p>If you can answer “yes” to the above, outdoor use including sidewalk seating may be an option for your business</p>	<p>If you can answer “yes” to the above, adding seating to your private parking may be an option for your restaurant</p>	<p>If you can answer “yes” to the above, adding seating to your private parking may be an option for your restaurant</p>

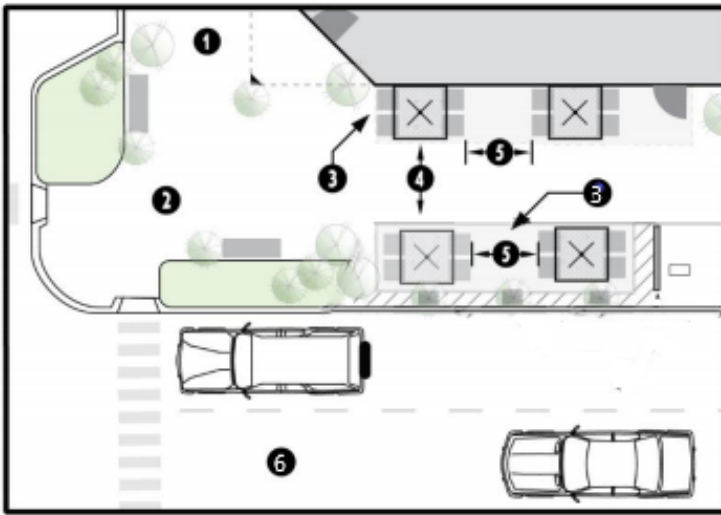
**How long is the permit valid?** All activities approved by permits issued as part of this program must be discontinued by January 31, 2021, unless otherwise permitted.

**Diagrams (for illustration purposes):**

The images below show potential layouts for sidewalk cafes and outdoor seating in off-street parking spaces. The diagrams show the clearance necessary for pedestrians (60”).

**Diagram 1**

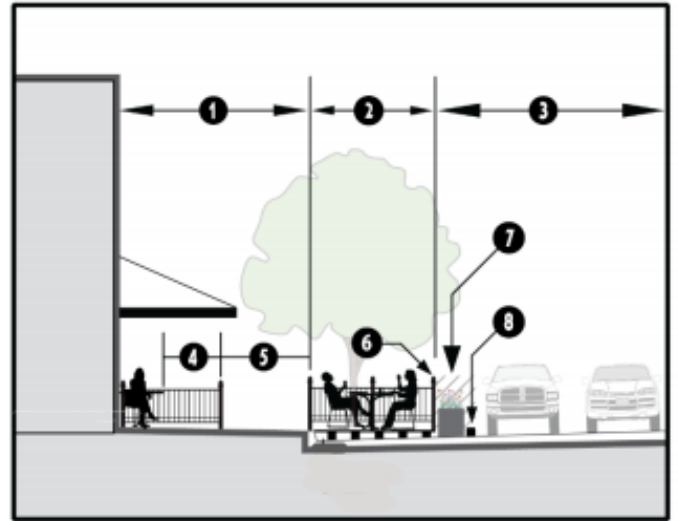
Sidewalk Space Converted into Outdoor Use



- 1. Sidewalk
- 2. Bump-out
- 3. Sidewalk café seating or merchandise display
- 4. 60” (5’) width clear path  
(where sidewalk is too narrow, may be reduced to no less than 48”; maintain 6’ social distancing when applicable)
- 5. 6’ min back of chair to back of chair as occupied
- 6. Vehicle travel lanes

**Diagram 2**

Convert Private Parking into Outdoor Use



- 1. Sidewalk
- 2. Café seating or merchandise display, raised level to sidewalk
- 3. Vehicle travel lanes
- 4. If sidewalk seating/display is fenced, maintain 48” min for ADA access and clear path
- 5. 60” (5’) width clear path  
(where sidewalk is too narrow, may be reduced to no less than 48”; maintain 6’ social distancing when applicable)
- 6. Barrier from travel lane
- 7. 2’ clear zone (no seating)
- 8. Keep 6” clear from curb for stormwater flow to drain

**Outdoor Café Seating Guidelines for Social Distancing:**

If outdoor space is available for your business to create temporary outdoor café seating, it must follow all guidance from the *Safe Start Washington* order for the Phase in effect at any time. More information available at <https://coronavirus.wa.gov/information-for/business>. The applicant and underlying property owner are responsible to ensure the state guidelines are satisfied and current.



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# COVID-19 RECOVERY TEMPORARY OUTDOOR USE PERMIT

**FOR STAFF USE ONLY**

Permit # \_\_\_\_\_ Receipt # \_\_\_\_\_

Fee \$ waived

RECEIVED BY: \_\_\_\_\_ (Initials) DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Application Type** (Select all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Temporary Sidewalk Use on Private Property (only)             | <input type="checkbox"/> Temporary Use of Public Sidewalk        |
| <input type="checkbox"/> Temporary Use of a Combination of Private and Public Sidewalk | <input type="checkbox"/> Temporary Conversion of On-site Parking |
|  | <input type="checkbox"/> Temporary Use of Public Right-of-Way    |

**Contact Information**

Business Name: \_\_\_\_\_ Name of Business Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Temporary Outdoor Use Information**

What is your proposed capacity in the following areas?

A. Current Sidewalk Capacity	B. New Sidewalk Seating/Display Capacity	C. Private Parking Café Seating Capacity	D. Total Outdoor Café Seating/Merchandise Display (B+C)
# of People	# of People	# of People	Total # of People
# of Tables	# of Tables/Display	# of Tables	Total # of Tables/Display

**Temporary Outdoor Use Location Description**

**1. Sidewalk Area:**

- Distance between curb or parking spaces and building: \_\_\_\_\_
- Proposed dimensions of Café Seating or Merchandise Use Area: \_\_\_\_\_
- Does this leave a 5' (60") clear walkway for pedestrians and ADA accessibility?  Yes, \_\_\_\_ feet
- The proposed sidewalk use stays within the front of my business  Yes  No
- Is the outdoor use area next to, or near, the entrance or exit of associated restaurant or merchant space?  
 Yes  No How far away in feet? \_\_\_\_\_ (show and label on drawing). The location of the outdoor use shall not impede the ability of an existing business from conducting business.

**2. On-site Area:**

- Proposed dimensions of area to be used within on-site parking lot: \_\_\_\_\_
- Is the proposed use area adjacent to restaurant/business entrance or exit?  Yes  No

- Is space for vehicle maneuvering still available with proposed use location?  Yes  No
- How many parking spaces are on the subject site? \_\_\_\_\_
- Number of parking spaces converted to café seating/food truck/merchandise display: \_\_\_\_\_ How many remain available? \_\_\_\_\_
- Are you maintaining your ADA spaces and accessible walkway?  Yes  No
- Do you plan to utilize tents?  Yes  No How many square feet is each tent? \_\_\_\_\_
- The location of temporary tents will require permits/review by the building and fire departments.

**General Conditions (please initial your acknowledgement to comply with the required conditions):**

- \_\_\_\_\_ All temporary uses shall obtain any other applicable City of Mountlake Terrace permits, licenses and other approvals, such as building (tent/platform), electrical, fire (tent, generator), other, prior to any installation or construction (e.g., business license, building permit(s), administrative approvals, etc.)
- \_\_\_\_\_ Each site occupied by a temporary use will be kept free of debris, litter, or other evidence of the temporary use at all times
- \_\_\_\_\_ Food trucks must be removed on a daily/nightly basis
- \_\_\_\_\_ All structures, appliances, barriers, fencing, etc., shall be removed upon the expiration of the permit within 5 days. Site use area is to be fully restored to the original or better condition within 10 days
- \_\_\_\_\_ Additional conditions may be established as necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses
- \_\_\_\_\_ The permitted temporary use may operate between 7 a.m. – 10 p.m. daily
- \_\_\_\_\_ All businesses must possess a current City of Mountlake Terrace business license
- \_\_\_\_\_ Failure to comply with the above conditions may result in the immediate revocation of this permit

**Certificate and Hold Harmless Agreement**

I certify that the information contained in this application and other materials submitted in the course of my application for a Temporary Outdoor Use Permit is true to the best of my knowledge. I shall hold the City of Mountlake Terrace, its officers, agents and employees, and the adjacent property owner(s) free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

**Applicant(s):**

By signing this document, I agree to its terms and conditions.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Owner (if different from Applicant(s)):**

By signing this document, I agree to its terms and conditions.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Covid-19 Recovery:  
Temporary Outdoor Use Permit**

**Application Submittal Checklist**

**Filing Requirements:**

- Temporary Outdoor Use Permit Application
- Temporary Outdoor Use Area site plan drawing and/or diagram. A diagram or drawing of the planned outdoor space must be to scale and include (as applicable):
  - Building outline, including location of entrance/exit doors
  - Location of curbs and sidewalks (include the widths from building face to curb)
  - Location of private parking that is adjacent to any entrance/exit that might be used for outdoor café seating/display of merchandise
  - Location and number of existing on-site parking spaces
  - Dimensions & measurements of proposed Temporary Outdoor Use area
  - Proposed layout of tables and chairs
  - Names of streets in the drawing and locations of any crosswalks
  - Other structures (fire hydrants, mailboxes, traffic signals, streetlights, cabinets, signs, trees, planters, bike racks, waste receptacles, etc.)
  - Photos or drawings of proposed fencing with dimensions (if needed for sidewalk café seating only, barriers are required for repurposing of parking areas)
  - If proposed, the location, dimensions and height of the platform (requires separate building permit)
  - Location of any known utilities or utility covers (manholes, meters etc.)
  - Other, as deemed informational by applicant
- Certificate of Insurance and an Endorsement (if any portion is located in right-of-way)
- Washington State Liquor and Cannabis Control Board Approval Letter (if serving alcohol)
- Photos of areas proposed for use
- Any other information, drawings, photographs or documentation the City considers relevant to evaluate and issue a decision
- The applicant for a temporary use shall supply written and notarized authorization from the owner of the property on which the temporary use is located

**Temporary Sidewalk Use is Allowed When:**

- The business is conforming with city codes
- A five-foot wide, minimum pedestrian clear zone is provided. Reduction to a 48-inch wide clear zone can be requested with detailed justification. Additional review and processing time is required
- Fencing or barriers, when used or required, do not obstruct clearance standards for pedestrians or vehicles
- A temporary use conducted in an onsite parking facility does not occupy or remove from availability more than 25% of the spaces required for the permanent use