

# 2021 APPLICATION

## Pop-Up Patio Structure

**Please return the completed application form and attachments to Realty Services by email to [lisa.zawadzki@thunderbay.ca](mailto:lisa.zawadzki@thunderbay.ca) or by fax to (807) 623-9344 – questions regarding completion of the application can be directed to (807) 625-2527 or (807) 625-3317**

(PLEASE PRINT CLEARLY)

APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_ 2021

TELEPHONE # \_\_\_\_\_ FAX# \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_  
(If different from Applicant)

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

ADDRESS OF BUSINESS: \_\_\_\_\_

MAILING ADDRESS (If different from above): \_\_\_\_\_

CITY: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

EATING EST. LICENCE NUMBER: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

LIQUOR LICENCE NUMBER: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

BRIEF DESCRIPTION OF REQUESTED CITY OWNED LAND: \_\_\_\_\_

This completed Application, together with the following, **must** be submitted to Realty Services prior to approving the preparation of the requested Licence Agreement for a Pop-Up Patio:

- Site plan and an elevation plan, both to scale, of the proposed Pop-up Patio. The plan must indicate the construction materials to be used, structural details, dimensions of the sidewalk, parking spaces, height of the curb (any curb cuts), business width, location of the entrance to the business, distance to hydrants, any boulevard trees, parking meters, nearest intersections, and any other pertinent features (see Criteria Guidelines & Checklist attached).
- Written confirmation that occupant load will not be increased over the posted occupancy, a description of the type furniture, and how safety concerns will be addressed.
- If applicable, Endorsement signed by the appropriate BIA or BA confirming its support of the application, which includes a copy of either the Minutes of the Board Meeting or Resolution passed by the Board.
- Applicants are required to pre-consult with Thunder Bay Fire Rescue (Captain Kevin Anderson at 628-4921, Building Services (Penny Kok at 625-2573) and Engineering & Operations (Aaron Ward at 625-2444) prior to submitting an application **AND** will need to arrange for final inspections with both Fire and Engineering prior to opening for business.
- Insurance Certificate in accordance with the City's standard form attached.
- A valid and current Certificate issued by the Workplace Safety and Insurance Board.

### Barriers/Tables

The City has a limited supply of water filled barriers and picnic tables available to loan and may agree to provide a certain number to the Applicant depending on availability and projected demand at the time of request. The Applicant agrees to complete the City's credit application form and to be responsible for any damage or loss to the equipment.

- Yes, I am interested in borrowing water filled barriers and/or picnic tables and request an application form. (For 2021 only)

If approved, a Licence Agreement will be prepared and forwarded to the Applicant for execution. Upon receipt of the executed Agreement and a completed Certificate of Insurance, the Agreement will then be executed by the General Manager, Development and Emergency Services Department, and a fully executed copy will be forwarded to the Applicant.

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**Signature of Applicant**

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**Signature of Property Owner**



# POP-UP-PATIO (WITH STRUCTURE) GUIDELINES 2021

## Eligibility

A Pop-Up Patio is a seasonal patio generally located on a structure within the parking lane on an open and travelled street.

This program is available to owners of licensed eating establishments or restaurants (and retailers in 2021).

Applications are to be submitted by the Restaurant owner (with the consent of the owner of the building if not the same). Patios within BIA and BA areas must have the written support of the BIA or BA. Patios located outside those areas will require the written support of abutting property owners abutting the proposed pop-up patio location.

## Patio Details

- The Patio size may extend the length of the Restaurant and width of the **\*\*parking space\*\*** Permission may be granted for the Patio to project beyond the parking lane where a 3.2 m minimum width driving lane can be maintained.
- A maximum of 4 (full or partial) parking spots are to be impacted.
- Patios must be flush with the sidewalk and curb with a smooth transition so as not to provide a trip hazard, and flooring must be made of a non-slip surface.
- Patios must be enclosed with a self-supported, railing or other vertical barrier system, with a minimum height of 1.06 m.
- A minimum 1.1 m path of egress must be maintained within the patio.
- Patios must be designed to maintain an unobstructed sidewalk walkway of a minimum of 1.5 m wide (minor encroachments may be permitted in special circumstances).
- Patio end railings must include reflectors for night safety.
- No patio or railing may be anchored to the parking space or sidewalk.
- The Pop up patio must be removed on or before October 15, 2021.
- Patio furniture must be movable, but sturdy and heavy enough to withstand expected winds without becoming a hazard.
- Patios must be temporary in nature.
- The Patio shall have no permanent electrical power.
- Patios may not be used to increase the maximum occupant load of the relevant building without a professional review (see checklist) and obtaining clearance from the Building Services Division. A review is not required if total occupant load remains unchanged once the patio seating is added.
- Concrete jersey or water-filled jersey barriers are to be provided on either side of the Patio as a vehicle barrier (max of 1m spacing). Barriers are encouraged to be screened by incorporated planters or similar. (No advertising is permitted on the barriers.) The City has a limited supply of barriers available and may agree to provide a certain number of barriers to the Applicant depending on availability and projected demand at the time of request.
- Drawings for the Patio structure are to be certified by a Structural Engineer for safety and load bearing. A pre-approved drawing which may be used is available on the website
- A stamped Engineer's Confirmation Letter for safety and load bearing prior to the opening and operation of the patio.
- Final inspections (Engineering and Fire) will be required prior to the opening and operation of the patio.
- Umbrellas must stand at least 2.1m (7ft) above the walking surface.
- A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the patio.

- CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
- The Chief Building Official is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.

## Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building. Patios cannot obstruct drainage, specifically gutter and catch basins must remain unobstructed.
- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops.
- Patios cannot be located at the end of a merge lane.
- Patios may not be located in accessible parking spaces or loading zones or where access to those spaces may be impacted.
- Patios must be a minimum 9 m from an intersection and 15 m from a signalized intersection unless within an existing metered parking space.
- Patios must not obstruct sightlines for traffic entering the street.
- Generally, Patios must not obstruct bike lanes. Where there is sufficient width, the City may consider permitting patios to obstruct a portion of the bike lanes.

## General

- The Applicant must enter into an agreement with the City and provide the necessary insurance.
- Any public complaints will be logged and forwarded to the Applicant to rectify. Responsibility for the Patio shall be wholly with the Applicant and at the Applicants expense.
- The City will not be required to pay for any work or supply any equipment to make public lands more suitable for the proposed Patio.
- The Applicant shall be responsible for maintaining the appearance of the Patio and any furniture or fixtures. Applicant shall ensure that no litter, garbage or similar accumulates on or around the Patio.
- The City of Thunder Bay shall maintain the right to enter the licensed lands in order to carry out repairs or maintenance to municipal infrastructure and for the purposes of inspection. The Licencee shall be responsible for removing its improvements to allow for such repairs and maintenance.
- In order to be considered eligible, no outstanding taxes and fines shall remain unpaid at the application due date.
- The Applicant shall meet all requirements of the Thunder Bay District Health Unit, Alcohol and Gaming Commission of Ontario, and other regulatory agencies as applicable.
- The Applicant shall obtain and must maintain all licences, permits and certificates that may be required for or in connection with the business including but not limited to the Alcohol and Gaming Commission of Ontario, if applicable and will abide by the Ontario Guidelines for restaurant and food services health and safety during COVID-19;
- The Applicant shall provide their liquor license and/or landlord consent, if requested by the City.
- The Applicant shall comply with the requirements of every applicable statute, law, and ordinance, and with every applicable lawful regulation and order including the requirements of the City's Noise By-law, the Smoke-Free Ontario Act and Municipal Smoking Prohibition By-law.
- The Applicant shall comply with and shall ensure its staff, volunteers and invitees comply, with all applicable federal, provincial, municipal and Thunder Bay District Health Unit laws, regulations, policies, directions and recommendations, including, but not limited to, ensuring observance of social/physical distancing, with respect to the Covid-19 pandemic and generally which includes the arranging of tables and chairs so that a minimum distance of 2m (6ft) is maintained between groups or patrons.

## Accessibility

- A minimum of 20 per cent of the tables that are provided must be accessible to persons using mobility aids by having knee and toe clearance underneath the table and in no case shall there be fewer than one table in an outdoor public use eating area that meets this requirement.
- The surface leading to and under tables that are accessible to persons using mobility aids must be level, firm and stable.
- Tables that are accessible to persons using mobility aids must have clear ground space around them that allows for a forward approach to the tables. O. Reg. 413/12, s. 6



## Checklist for Site Plan and Elevation Plan Pop-Up Patio 2021

- SITE PLAN** to show & dimension the following:
- The patio area, delineation detail (for sidewalk portion), signage and night reflectors
  - Existing and expected occupant load for the business
  - Table and seating layout and any other furniture/fixtures including separation distances
  - Width of existing sidewalk and parking lanes
  - Proposed Patio, construction materials, structural details, transition detail, colors
  - Number and location of barriers (end barriers must include reflectors for night safety)
  - Construction materials and structural details for railings, platforms and any ramps
  - Engineer's Certificate for safety and load bearing of the Patio (**if not using the supplied design**)
  - Unobstructed sidewalk walkway (Minimum 1.5 m wide)
  - Number and location of barriers (end barriers must include reflectors for night safety)
  - Path of patio egress (Minimum 1.1 m)
  - Accessibility details
  - Boulevard trees, guards and shrubs
  - Parking meters
  - Distance to closest intersections
  - Parking spots impacted by patio (max 4)
  - Barrier free parking stalls affected by Patio
  - Bike lanes
  - Identify any nearby transit stops
  - Any loading spaces
  - Fire connections & hydrants
  - Drainage facilities (i.e., gutters, manholes & catch basins)
- ELEVATION PLAN** to show & dimension the following:
- Curb height at gutter
  - Existing building, including entrances, windows, etc.
  - Entrances to and exists from patio
  - Patio railings (Minimum 1.06 m)
  - Elevation of Patio and existing sidewalk.
  - Skirting around the Patio must allow for drainage
  - Any catch basins



Development & Emergency Services Department  
 Realty Service Division  
 2<sup>nd</sup> Floor, Victoriaville Civic Centre  
 111 Syndicate Avenue S., P.O. Box 800  
 THUNDER BAY, ON P7C 5K4

Tel: (807) 625-3199 Fax: (807) 625-2977  
 Website: www.thunderbay.ca/realty

**PROOF OF LIABILITY INSURANCE WILL BE ACCEPTED ON THIS FORM ONLY**

## CERTIFICATE OF INSURANCE COMMERCIAL

Contract/Agreement/Permit No.: \_\_\_\_\_ Municipal Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

**As per the description of property on the Agreement**

FULL NAME OF INSURED(S) AND FULL MAILING ADDRESS(ES): \_\_\_\_\_

(Purchaser, Lessee, Licensee or Owner)

**and THE CORPORATION OF THE CITY OF THUNDER BAY AS AN ADDITIONAL INSURED ONLY WITH RESPECT TO COMMERCIAL GENERAL LIABILITY.**

POLICY	COMPANY & POLICY NO.	DATE		LIMITS OF LIABILITY
		EFFECTIVE	EXPIRATION	
GENERAL LIABILITY BODILY INJURY PROPERTY DAMAGE				Minimum Requirement: \$5,000,000.00 <i>Inclusive Per Occurrence</i>
AUTO LIABILITY (if applicable) (Must cover all vehicles owned by or operated by or on behalf of the Insured(s)) BODILY INJURY PROPERTY DAMAGE				Minimum Requirement: <i>Inclusive Per Occurrence</i>
OTHER (Describe):				
DEDUCTIBLE:				

**IMPORTANT:** This Certificate confirms that the Policies listed above are in full force and effect and that these Policies will not be amended to restrict coverage or cancelled without thirty (30) days prior written notice being given to The Corporation of the City of Thunder Bay, and further that the General Liability Policy listed above includes all coverages outlined under (1) and (2) below, and includes coverage under (3) as follows:

**GENERAL LIABILITY COVERAGE INCLUDES: (Check all that apply that are included in Commercial General Liability Policy)**

- Cross Liability Clause
- Broad Form Property Damage
- Completed Operations
- Non-owned Automobile Liability
- Blanket Contractual Liability
- Host Liquor Liability
- Personal Injury Liability

**OTHER:  
(Please explain)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Insurance Company (Not Brokers)

\_\_\_\_\_  
Address of Insurance Company OR  
Address of Broker

By \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE OR  
OFFICIAL (Sign)

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE OR  
OFFICIAL (Print)