



APPLICATION

Extended Pop-Up Patio Pilot

(PLEASE PRINT CLEARLY)

APPLICANT: _____ DATE: _____ 2019

TELEPHONE # _____ FAX# _____ EMAIL: _____

NAME OF PROPERTY OWNER: _____
(If different from Applicant)

RESTAURANT NAME: _____

ADDRESS OF RESTAURANT: _____

MAILING ADDRESS *(If different from above)*: _____

CITY: _____ POSTAL CODE: _____

EATING EST. LICENCE NUMBER: _____ Expiry Date: _____

LIQUOR LICENCE NUMBER: _____ Expiry Date: _____

LOCATION OF CITY OWNED LAND: _____

REQUIRED ATTACHMENTS:

- 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, minimum distances to hydrants, boulevard trees, parking meters, intersections, and any other pertinent features (see checklist attached).
- A maximum one page summary of the proposed Patio, its use, whether occupancy will be increased, a description of the furniture, how any safety concerns are being addressed, and expected benefits for the owner and the general public.
- 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.
- Confirm number of Addendums (see Realty Service's website).
- An application fee of \$300.00 plus the applicable HST.
- Applicants are required to pre-consult with Thunder Bay Fire Rescue, Building Services, and Engineering & Operations prior to submitting an application.

Signature of Applicant

Signature of Property Owner

Checklist for Site Plan and Elevation Plan Extended Pop-Up Patio Pilot 2019

- SITE PLAN** to show & dimension the following:
 - The Sidewalk Patio (End railings must include reflectors for night safety)
 - Existing and expected occupancy load for the Restaurant
 - Architect review if the **total** occupant load exceeds 30 seats once the patio seating is added
 - Architect or Large Building Designer review if **total** occupant load is 30 seats or less once the patio seating is added
 - Table and seating layout and any other furniture/fixtures
 - Width of existing sidewalk and parking lanes
 - The Patio and the barriers (must include reflectors for night safety)
 - Construction materials and structural details for the Patio, railings, platforms and ramps
 - Colours
 - Transition details
 - Engineer's Certificate for safety and load bearing of the Patio prior to final approval
 - Unobstructed walkway (Minimum 1.8 m wide)
 - Path of egress (Minimum 1.1 m)
 - Accessibility details
 - Boulevard trees, guards and shrubs
 - Parking meters
 - Distance to intersections
 - Parking spots impacted by patio (max 4)
 - Access to parking stalls
 - Barrier free parking stalls
 - Bike lanes
 - Identify any nearby transit stops
 - Any loading spaces
 - Fire connections & hydrants
 - Location of services (hydro, water & gas)
 - Drainage facilities (i.e., gutters, manholes & catch basins)

- ELEVATION PLAN** to show & dimension the following:
 - Existing building, including entrances, windows, etc.
 - Entrances to and exists from patio
 - Non-climbable patio railings (Minimum 1.06 m) and spindles (no more than 0.1 m apart)
 - Elevation of Patio and existing sidewalk.
 - Skirting around the Patio must allow for drainage
 - Any catch basins



**Development & Emergency Services Department
Realty Services Division**

2nd 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

Email: realty@thunderbay.ca

Web Site: www.thunderbay.ca/realty

PROOF OF LIABILITY INSURANCE WILL BE ACCEPTED ON THIS FORM ONLY

CERTIFICATE OF INSURANCE

COMMERCIAL

Building Permit No.: _____ Municipal Address: _____
(if applicable)

Legal Description: _____

NAME OF INSURED: _____
(Lessee/Licencee or Owner)

and

THE CORPORATION OF THE CITY OF THUNDER BAY AS 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
BUILDER'S RISK				
OTHER (Describe)				

IMPORTANT: This Certificate confirms that the Policies listed above are in full force and effect and that these Policies will not be amended to materially restrict coverage, as set out in this Certificate, 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), (2), (3), (4) and (5) below.

GENERAL LIABILITY COVERAGE INCLUDES:

- (1) Cross Liability Clause;
- (2) Broad Form Property Damage;
- (3) Completed Operations;
- (4) Non-owned Automobile Liability; and
- (5) Host Liquor Liability.

DATE _____ **20** _____
NAME OF INSURANCE COMPANY (NOT BROKER)

ADDRESS OF INSURANCE COMPANY OR NAME & ADDRESS OF BROKER

BY: _____
AUTHORIZED REPRESENTATIVE OR OFFICIAL OF BROKER

Extended Pop-Up Patio Pilot

Applications Due April 17th, 2019

The City has extended the Pop-Up Patio Pilot launched in 2018 to 2020. Public feedback to the Pilot over the 2018 Summer Season resulted primarily in positive response with 94% of nearly 1000 survey respondents in favour of the program and wanting to see more patios. Valuable feedback was received on how to improve the program that has resulted in some changes for 2019-2020.

Provided that operational impacts and risk and liability to the City can continue to be managed, City Administration is supportive of these outdoor patios and will continue to further assess the benefits and impacts of these patios over the next two summer seasons.

In 2019, applications will be accepted from Restaurants to construct patios within on-street parking spaces within the City's Business Improvement Areas (BIA) and Business Association (BA) areas with the endorsement of the relevant BIA or BA.



Definitions

- 1) "Agreement" means a Licence Agreement executed between the Applicant and The Corporation of the City of Thunder Bay.
- 2) "Applicant" means an owner of a Restaurant business who submits an application under this extended Pilot program.
- 3) "Bistro Patio" means the temporary and seasonal placement of benches, stools, chairs and/or a small number of small tables on City-owned lands adjacent to a Restaurant, arranged in a way that does not impede pedestrian access.
- 4) "Business Association" or "BA" means either the Bay and Algoma Business Association or the Westfort Village Association.
- 5) "Business Improvement Area" or "BIA" means either the Fort William Business District Business Improvement Area or the Waterfront District Business Improvement Area.
- 6) "Pop-Up Patio" or "Patio" means a temporary and seasonal outdoor seating patio that is adjacent to a Restaurant and constructed within the on-street parking lane and in accordance with the Criteria set out in this document. The Patio may contain self-service or serviced tables and alcohol may be served if appropriately licensed.
- 7) "Property Owner" means the registered owner of a property.
- 8) "Restaurant" means a place where food and beverages are prepared and served to persons, primarily for immediate consumption, for a fee.

Pilot Scope

The City will approve a maximum of ten (10) applications per BIA and BA to participate in this extended Pilot. The City is aware that businesses within the areas have different requirements and some may be excited for the opportunity to have an outdoor patio, while others may prefer the retention of on-street parking. This is something that needs to be addressed before an application is submitted to the City. Therefore a completed application must be submitted to the Realty Services Division, together with the endorsement of the applicable BIA or BA. A BIA or BA may endorse more than 10 applications.

Applicants under this extended Pilot must have the capacity to create the Pop-Up Patio in the 2019 summer season and be willing to provide feedback at the end of each summer season to assist the City in evaluating the Pilot.

Bistro Patios (as defined above) are not part of this extended Pilot. Restaurants interested in establishing a Bistro Patio should contact the City's Realty Services Division to obtain an application.

Criteria

Eligibility

The Pop-Up Patio Pilot is available to owners of licensed Restaurants located in the BIA and BA areas as detailed in this document.

Applications are to be submitted by the Applicant (with the consent of the owner of the building if not the same).

Patio

- Maximum Patio size is the length of the Restaurant and width of the parking space. The Patio potentially may encroach on the sidewalk if the sidewalk exceeds 1.8 metres in width. See the attached Sample Patio Drawing.
- A maximum of 4 (full or partial) parking spots are to be impacted.
- Patios cannot be raised above the sidewalk elevation.
- Patios must be flush with 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, non-climbable railing or other vertical barrier system, with a minimum height of 1.067 m. Spindles, if proposed as part of a barrier enclosure, are to be spaced at maximum 0.1 m. Enclosure systems are to use colour contrast to benefit all users in identifying a change.
- 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 1.8 m wide.
- Patio end railings must include reflectors for night safety.
- No part of the railing is to be anchored to the parking space or sidewalk.
- The Patio railing, tables and chairs may remain seasonally as permitted by the Agreement
- Patio furniture must be movable, but sturdy and heavy enough to withstand expected winds without becoming a hazard.
- Patios must be temporary in nature.
- Patios may not be used to increase the maximum occupancy 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 occupancy 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. Barriers are encouraged to be screened by incorporated planters or similar. (No advertising is permitted on the barriers.)
- Drawings for the Patio are to be certified by a Structural Engineer for safety and load bearing.

Location

- Pop-Up Patios are to be located adjacent to the Restaurant and not exceed the width of the Restaurant.
- 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 cannot obstruct 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 of 9 m from an intersection and 15 m from a signalized intersection or within an existing metered parking space.
- Patios must not obstruct sightline for traffic entering the street.
- Patios must not obstruct bike lanes.

General

- Public complaints about maintenance of the Pop-Up Patio will be logged and forwarded to the Applicant to rectify. The City is to be made aware of how complaints were rectified.
- The construction and maintenance of any Patio shall be wholly at the expense of the Applicant.
- The City will not be required to pay for any work or supply any equipment to make public lands more suitable for the proposed Pop-Up Patio.
- The Applicant shall be responsible for maintaining the appearance of the Pop-Up Patio and any furniture or fixtures. Restaurant owners shall ensure that no litter, garbage or similar accumulates on or around the Patios.
- The City of Thunder Bay shall maintain the right to enter the licenced lands in order to carry out repairs or maintenance to municipal infrastructure. The City shall provide written notice five (5) days prior to entering the lands, except in the case of emergencies. 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.
- Applicants must comply with all applicable law and without limitation, the City's Noise By-law. Patio hours shall be limited to between the hours of 8 a.m.-11 p.m.
- Applicants must also comply with the Smoke-Free Ontario Act and Municipal Smoking Prohibition By-law.

Agreement

Successful Applicants shall enter into an Agreement with the City of Thunder Bay to permit the seasonal occupancy and use of City-owned highway land for the Pop-up Patio during the 2019 and 2020 summer seasons based on the application submitted, the Criteria set out in this document and other terms and conditions that the City requires.

The Agreement to permit the Pop-Up Patio for the 2019 and 2020 summer seasons will be valid from May 15, 2019 (or after street and sidewalk sweeping of the area is complete whichever is later) to October 15, 2020.

The rental fee of \$100.00 plus the applicable HST for the 2019 summer season will be payable at the time of execution of the Agreement. The 2020 rental fee will be paid on the term commencement date of the 2020 summer season.

The Licencee must provide a completed copy of the attached Certificate of Insurance, with the Corporation of the City of Thunder Bay named as an additional insured, and the Certificate must be approved by the City.

In addition, a Certificate issued by the Workplace Safety and Insurance Board must also be provided. This Certificate must be current throughout the duration of the Agreement.

The Licencee shall remove the Pop-Up Patio and any related improvements prior to the end of the summer season and restore the lands to the previous condition. Should a Licencee fail to do so, the City of Thunder Bay will have the authority to remove any remaining fixtures at the Licensee's expense.

The City of Thunder Bay retains the right to terminate the Agreement at any time.

Vendors Who Supply Pop-Up Patios

A website link to Vendors who supply Pop-Up Patios and who have approached the City directly will be posted on the City's website.

Application Process

Completed applications are to be submitted to the City's Realty Services Division no later than **4 p.m. on Wednesday, April 17th, 2019** to:

The Corporation of the City of Thunder Bay
Attention: Realty Services Manager
111 Syndicate Avenue South
(Victoriaville Civic Centre, Second Floor)
P.O. Box 800
Thunder Bay, Ontario P7C 5K4

The attached application must be completed and submitted together with the following:

- 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, minimum distances to hydrants, boulevard trees, parking meters, intersections, and any other pertinent features (see checklist attached).
- A maximum one page summary of the proposed Patio, its use, whether occupancy will be increased, a description of the furniture, how any safety concerns are being addressed, and expected benefits for the owner and the general public.
- Endorsement signed by the applicable 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.
- Confirm number of Addendums (see Realty Service's website).
- An application fee of \$300.00 plus the applicable HST.
- Applicants are required to pre-consult with Thunder Bay Fire Rescue, Building Services, and Engineering & Operations prior to submitting an application.

Applications will be reviewed by an internal Committee of the City consisting of members from various City Divisions, including the Engineering & Operations, Planning Services, Realty Services, Roads Section, Parking Authority, Building Services, Office of the City Clerk (Municipal Accessibility Specialist), Police Services and Thunder Bay Fire Rescue. Applications will be reviewed to ensure that they meet the Criteria as set out in this document. Any issues or deficiencies of an application will be brought to the attention of the Applicant to address and correct if possible. Up to ten (10) applications per BIA/BA will be approved by the Committee based on compliance with this document, the effective mitigation of operational and risk concerns, and if necessary, by lottery.

Applicants understand that this initial two (2) year Pilot has been extended for an additional one (1) year period and may not continue in the future. The City is not responsible for reimbursing any expense for applying or participating in this extended Pop-Up Patio Pilot.

Successful Applicants will be notified by **Wednesday, May 1, 2019**.

*****Note:** Understanding that businesses are taking on significant costs to participate in this extended Pilot, the City is only applying a minimal rental fee of \$100.00 plus the applicable HST for each season. If the Pilot is successful, the fee of \$1.50 per square foot of patio area will be added in 2021.

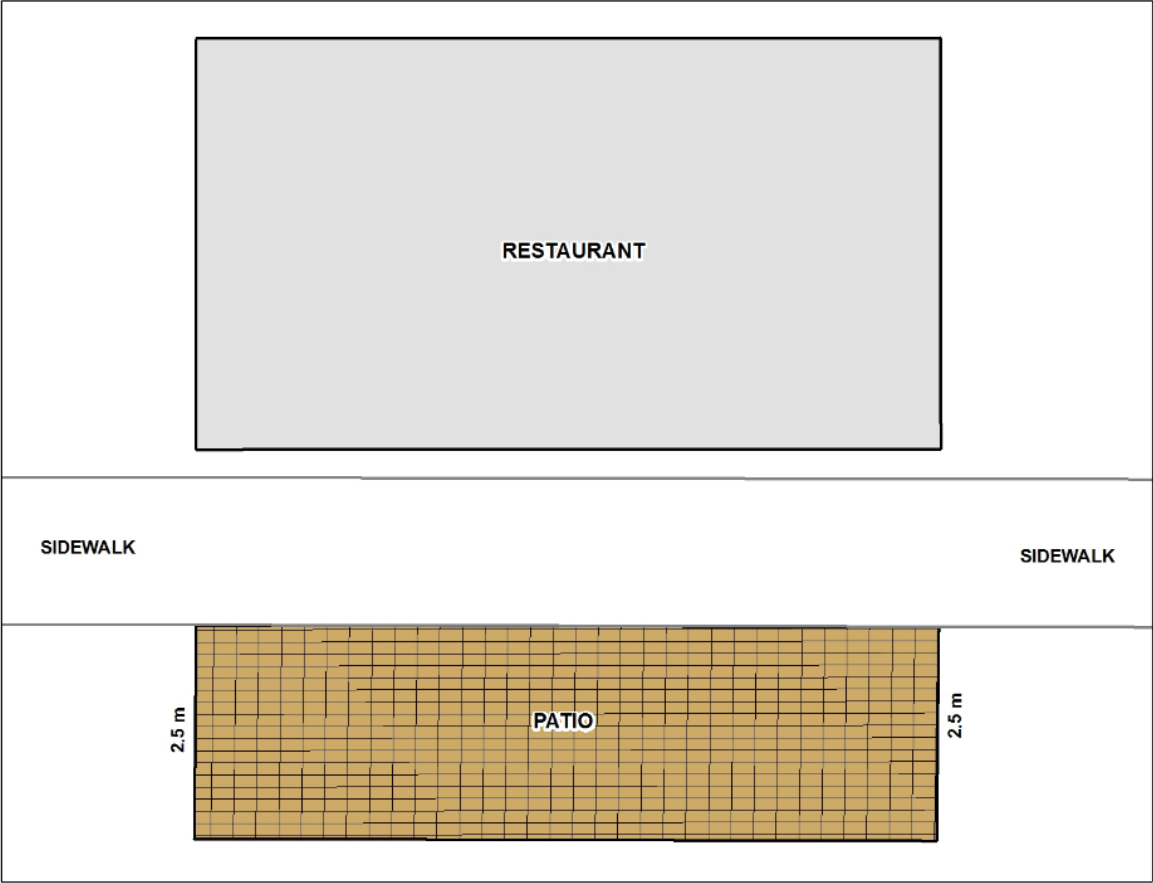
Questions and Additional Information

The Corporation of the City of Thunder Bay
Attention: Kathy Charlton, Property Agent
111 Syndicate Avenue South
(Victoriaville Civic Centre, Second Floor)
P.O. Box 800
Thunder Bay, Ontario P7C 5K4
Telephone: 807-625-3317 or Call 625-2991
Facsimile: 807-625-2977
Email: kcharlton@thunderbay.ca

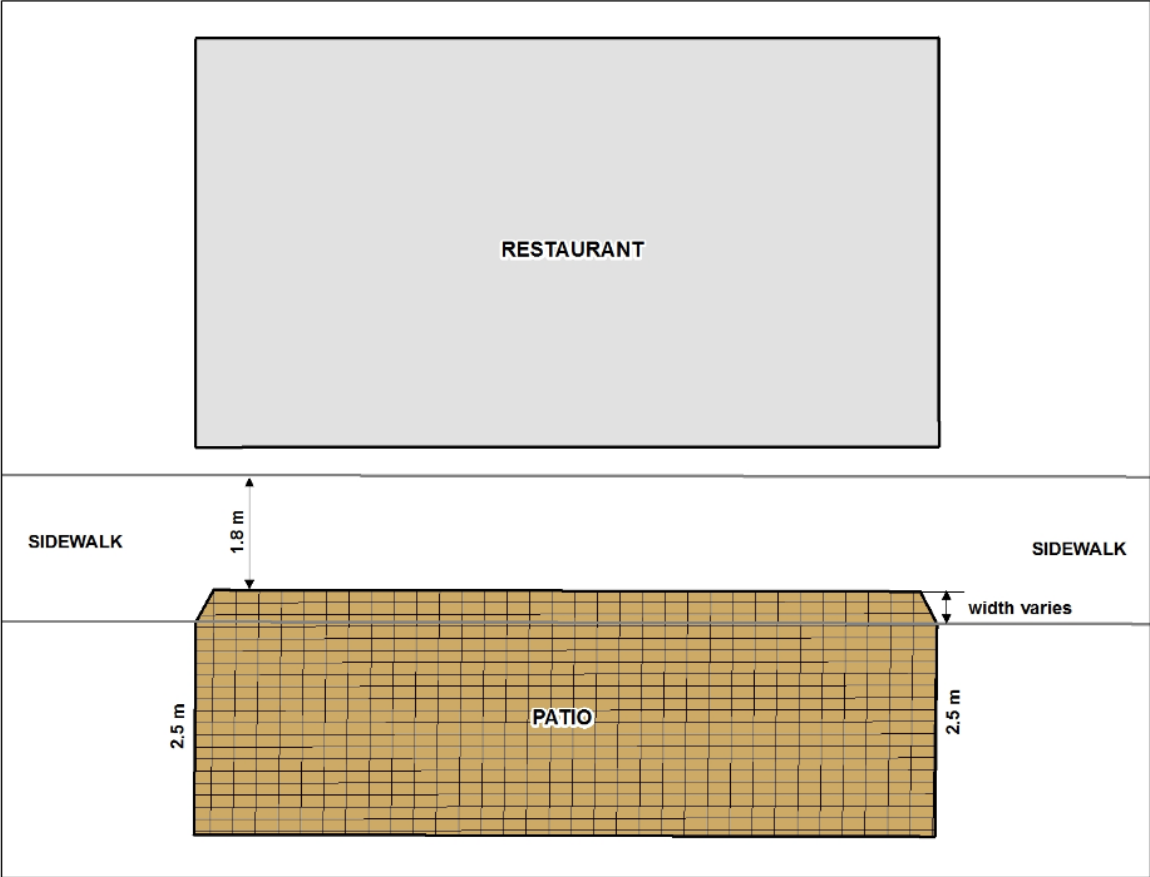
Attachments

1. Application.
2. BIA or BA Endorsement Form.
3. Certificate of Insurance.
4. Site Plan and Elevation Plan Checklist.
5. Sample Patio Drawing.

1) **Patio within Parking Space**



2) **Patio within Parking Space and Sidewalk**



ENDORSEMENT

Extended Pop-Up Patio Pilot

(Business Improvement Area or Business Association)

NAME OF BIA or BA: _____

NAME OF APPLICANT: _____

NAME OF PROPERTY OWNER: _____
(If different from Applicant)

NAME OF RESTAURANT: _____

ADDRESS OF BUSINESS: _____

LOCATION OF CITY-OWNED RIGHT-OF-WAY: _____

The BIA or BA has provided its membership with notice of the proposed Pop-Up Patio and endorses the above noted City-owned highway location for use as a temporary Pop-Up Patio as defined under the City of Thunder Bay Extended Pop-Up Patio Pilot, subject to the City's final review and approval.

DATED at Thunder Bay, Ontario this _____ day of _____, 2019.

Signature of BIA/BA Representative: _____

Name:

Title:

Minutes, resolution or similar support document attached.