

APPLICATION POP-UP PATIO WITH STRUCTURE

In cases where the following criteria are met, a wooden structure may be placed directly on the City's sidewalk and or street surface:

- a) able to design and construct an approved structure to be flush with the sidewalk, in accordance with the guidelines provided
- b) the speed limit is 50kph or less.
- c) there is one driving lane in the applicable direction.
- d) able to remove the wooden structure from the City land by September 30th;
- e) confirm that occupant load will not be surpassed; and
- f) able to provide liability insurance (in accordance with the attached certificate of insurance)

If your situation meets these criteria, please complete this application as instructed.

****Please refer to the "Fee" section on the Patio website www.thunderbay.ca/patio for current application/administration fees.**

Please return the completed application form and attachments to Realty Services by: email to buildthunderbay@thunderbay.ca, in person to 2nd Floor, Victoriaville Civic Centre, 111 Syndicate Avenue South, mail to PO Box 800, Thunder Bay, ON P7E 5V3 or by fax to (807) 623-9344 – Please include the business address with your cheque and mail it to above address. Questions regarding completion of the application can be directed to (807) 622-8453.

APPLICANT: _____ DATE: _____

TELEPHONE # _____ CEL# _____ 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 Application and all prerequisites **must** be submitted to Realty Services for approval. Upon the application and submissions being approved, the applicant will be required to enter into a licence agreement.

PREREQUISITES:

- ☐ 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) and shall include a description of the type furniture.
- ☐ Construction/Assembly details must be provided to the City including name of contractor assembling/disassembling the patio, dates of construction/disassembly, confirmation that contractor has WSIB coverage, and 5 million of liability insurance.
- ☐ By checking this box, you confirm that the occupant load (establishment and patio) will not exceed the posted occupancy at any time during the applicable term of the patio licence agreement.
- ☐ By checking this box, you confirm that you have consulted with and received approval from the appropriate BIA or BA confirming its support of this application.
- ☐ By checking this box, you confirm that you have consulted with Fire on the patio design and confirmed with Fire if a final inspection will be required prior to opening.
- ☐ Insurance Certificate on your insurer's form, is to be provided with liability insurance of not less than 5 million. City is to be named as an additional insured.
- ☐ A Certificate issued by the Workplace Safety and Insurance Board is to be provided and will be valid during the entire term of the patio licence agreement.
- ☐ I acknowledge that the patio is not to open for business until the licence agreement has been signed, all prerequisites have been met and Realty Services (or its designate) has completed a final inspection of the Patio.

Barriers/Curb Stops/Traffic Cones

The applicant is responsible for providing proper perimeter protection including traffic barriers as set out in the Guidelines.

The City has a limited supply of traffic barriers and curb stops 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 will be responsible to reimburse the City for the cost of delivery and pick up. Please contact 807 622-8453 to inquire further if needed.

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.

Signature of Applicant

Signature of Property Owner

POP-UP-PATIO (WITH STRUCTURE) GUIDELINES

Eligibility

A Pop-Up Patio is a seasonal patio utilizing either a wooden structure as the seating area or as a boardwalk to move pedestrians around the patio area.

The Pop-Up Patios may be located on a sidewalk, within the parking lane on an approved open and travelled street (or a combination thereof).

This program is available to owners of licensed eating establishments or restaurants and retailers.

Applications are to be submitted by the Business owner (with the consent of the owner of the building if different than the business owner). 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 may 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 September 30th.
- 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 (at full cost recovery to the City).

- Drawings for the Patio structure **are to be certified by a Structural Engineer** for safety and load bearing else, pre-approved drawing(s) which may be used are available on the website.
- A stamped **Engineer's Confirmation Letter** confirming that the structure was built according to the approved drawings prior to the opening and operation of the patio. (and required each year that the patio is re-assembled)
- Final inspections (Development Services and Fire) will be required prior to the opening and operation of the patio.
- Any 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 or sidewalk 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.
- Patio may not be used for cooking or preparing food. Alcohol service must be controlled from the main establishment.

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 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.
- 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.
- 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 For Pop-Up Patio

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 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