

City of La Crosse Outdoor Café Restaurant Recovery Program

Permit Application & Instructions

The City of La Crosse has created the following Outdoor Cafe program to temporarily allow restaurants, taverns, and tasting rooms to expand their business footprint onto adjacent: public rights-of-way or privately-owned parking facilities or outdoor space if approved by the City of La Crosse. For eligible restaurants, taverns, and tasting rooms this may also include expanded alcohol license premises. All additional fees will be waived for this program.

All administrative approvals are strictly temporary and expire on **November 13, 2020**. This program may be extended beyond this date upon approval by the Common Council. This program is subject to all local, State and Federal Health Orders, laws and guidelines.

Application Review Process

The Planning and Development Department will be administering the application process for this program. Depending on the type of Outdoor Café that is being applied for, or if a Liquor License Expansion is also being requested, additional approvals may be needed by the Board of Public Works, the City Clerk's Department, and/or the Common Council.

Completed Applications and the required attachments may be submitted to the Planning and Development Department via electronically to:

Jack Zabrowski
zabrowskij@cityoflacrosse.org

or

Tim Acklin, AICP
acklint@cityoflacrosse.org

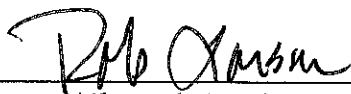
Completed Applications and the required attachments may also be mailed or drop off to the Planning and Development Department at 400 La Crosse St, La Crosse, WI 54601. If City Hall is closed to the public applications may be dropped off in the metal drop box located on the north side of City Hall.

IT IS HIGHLY RECOMMENDED THAT APPLICATIONS ARE SUBMITTED ELECTRONICALLY. THIS WILL ENSURE A QUICKER PROCESS OF REVIEW.

If your application requires review by the Board of Public Works for a Street Privilege Permit, applications must be submitted to the Planning & Development Department no later than 5pm on Wednesday to ensure review and action on your application by the following Monday meeting of the Board of Public Works.

Existing Liquor License Expansion requests will be reviewed by the City Clerk's Department. If review is required by the Board of Public Works Department, and the application is approved, applications will then be forwarded to the Clerk's Department for review. Provisional approval may be granted until final action is taken by the Common Council at their next meeting.

Signature



Date

8/4/2020

Signature may be typed if completing electronically

Application Submittal Checklist

Each application will need the following in order to be considered a complete application and be processed and reviewed:

- 1) A completed and signed application. (EACH PAGE MUST BE SIGNED AND DATED)
- 2) If the applicant is not the owner of the building/property they must attach acknowledgment from the building/property owner that they are aware of this application being submitted to the City.
- 3) A detailed site plan (drawn by hand or drawn electronically) illustrating the following:
 - a. The location and dimensions of the proposed outdoor seating area in relationship to the building
 - b. The location of property lines and the outdoor seating area.
 - c. Parking lot and driveway locations as well as impact on parking spaces.
 - d. The number of tables/seats and the distances between them.
 - e. Location of fencing. Include description of type and materials.
- 4) Proof of insurance. (The applicant for a permit to encroach on the public right-of-way shall procure and maintain for the duration of the permit a minimum liability and contractual liability policy in the amount of \$100,000.00 each person, \$300,000.00 each accident for bodily injury and \$100,000.00 for property damage. A certificate of such insurance shall be filed with the City Attorney as part of the application. The insurance shall name the City, its officials, employees and agents as additional insureds. The Board of Public Works may require greater insurance protection on a case-by-case basis.)
- 5) Photos, attachments, and/or renderings or any other information that will help the City better understand, review and process your application.
- 6) (OPTIONAL) manufacturer's brochures showing types of tables and seating are helpful and recommended.

IMPORTANT PROGRAM INFORMATION:(Refer to the Program Guidelines for more information)

- 1) The applicant acknowledges that this is a **temporary approval** for outdoor seating and that it will expire/sunset on November 13, 2020, unless approved by the Common Council to extend the program.
- 2) The applicant acknowledges that **non-compliance** with the required standards, rules, requirements of the program and other existing City Ordinances **will result in immediate revocation of your Outdoor Café Permit.**
- 3) The applicant acknowledges that they have inspected the Right-of-Way at issue and determined it to be suitable for their needs and accept it "as is" and waive any claims against the City.
- 4) La Crosse Outdoor Café areas may be required to be fenced under this program. Please refer to the program guidelines. Fence or barrier height shall be a minimum of at least 32" in height.
- 5) Access to the La Crosse Outdoor Café area should, where possible, be made from the main entrance of the building (rather than accessible directly from outside).

Signature

Signature may be typed if completing electronically

Date

8/4/2020

IMPORTANT PROGRAM INFORMATION CONTINUED:(Refer to the Program Guidelines for more information)

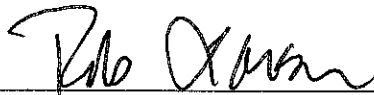
- 6) La Crosse Outdoor Café outdoor seating areas should have an emergency exit that meets applicable fire codes.
- 7) Per Section 2-292 of the Municipal Code those businesses wanting to participate in this program will not be permitted to do so if any money or debt is owed to the City.
- 8) Under no circumstances is this program intended to promote gatherings or social spaces. It is intended to allow food & beverage patrons to be seated in accordance with physical distancing requirements to increase capacity. Tables shall be separated by at least 6' and should be set for groups no larger than six.
- 9) In no way can the overall capacity (inside + outside) exceed the establishment's overall permitted occupancy. No vertical drinking is allowed.
- 10) No vertical drinking or standing will be allowed in any version or part of this program, non-compliance will result in immediate revocation of your Outdoor Café Permit.
- 11) The applicant has inspected the right-of-way (ROW) at issue and determined it to be suitable for their needs and accept it "as is" and waive any claims against the City.
- 12) The Planning & Development Department or the Board of Public Works may suspend or revoke any permit issued hereunder and order the removal of any encroachment placed in the right-of-way upon ten days' notice. The permit holder shall have a reasonable time, not to exceed five days, in which to file a written request with the City Planning and Development Department to be heard in said manner, and show cause why the proposed actions should not be taken. However, an encroachment may be removed without prior notice or opportunity to be heard where it constitutes an immediate danger in the public health, safety or welfare, where it is not in conformance with representations made in the application, where the certificate of insurance has expired or where placed within any right-of-way without a permit or contrary to the provisions of the permit or this article. In such cases, an opportunity for a post-removal hearing shall be provided.
- 13) Applicant will be required to remove any snow from their approved outdoor dining area.
- 14) Hours of Operation for the Outdoor Café is only permitted between the hours of 7am-11pm.
- 15) Propane tanks are not allowed to be stored within the building or within 10ft of an entrance door to the Building. Must be installed per Fire Code.

Questions on this process may be directed to the Planning and Development Department

Tim Acklin, AICP
acklint@cityoflacrosse.org
608-789-7391

Jack Zabrowski
zabrowskij@cityoflacrosse.org
608-789-8676

Signature



Date

8/4/2020

Signature may be typed if completing electronically

Application

ESTABLISHMENT AND OWNER INFORMATION

Business Name Buzzard Billy's

Business Address 222 Pearl St.

Name of Business Owner (LLC, Corp, etc) Benchmark Redevelopment Inc.

Phone Number 796-2277 Email buzzardbillys@yahoo.com

Name of Property Owner (if different than above) Terry Peterstie, American House LLC

Phone Number 385-3458 Email tjpeterstie@gmail.com

Does this business currently hold a City of La Crosse liquor license? yes

If yes, answer questions below. If no, skip to CHOOSE TYPE OF OUTDOOR CAFÉ.

If YES answered above, will you be requesting an expansion of premises to the current Liquor License?
(Requires provisional approval by the City Clerk and approval by the Common Council)

YES NO (If NO skip to CHOOSE TYPE OF OUTDOOR CAFÉ)

Please specify how you want to expand your current Liquor License.

- Into adjacent Right-of-Way (public sidewalk, on-street parking spaces, street, public plazas)
 Into existing business or adjacent off-street parking lot or open space.

CHOOSE TYPE OF OUTDOOR CAFÉ (see program guide for definitions)

- Street Café (Requires Board of Public Works Approval of a Street Privilege Permit)
 Sidewalk Café (Requires Board of Public Works Approval of a Street Privilege Permit)
 Urban City Plaza (Requires Board of Public Works Approval of a Street Privilege Permit)
 Café Zone (Requires Board of Public Works Approval of a Street Privilege Permit)
 Outdoor Dining on Adjacent Private Parking Lot or Outdoor Space

SITE/PROJECT DESCRIPTION

Please describe the proposed outdoor seating area details below.

Number of tables in proposed outdoor seating area: 4 7

Number of seats in proposed outdoor seating area: 16

Existing inside seating capacity: 300 (180 Buzzards, 120 Starlite)

Your existing building capacity will apply across ALL seating areas through the use of this permit.

Number of bathroom fixtures: 10 toilets, 6 sinks (1st & 2nd floors)

Number of onsite, off-street parking spaces for your business currently: 0

PERMIT FEES

There are no fees for this application.

APPLICANT SIGNATURE

I hereby make an application for an Outdoor Café Permit as detailed above. I agree to abide by the requirements of all City ordinances and State laws. I understand that the approval of a La Crosse Outdoor Café Restaurant Recovery Area Permit is conditional and that the permit can be revoked or suspended at any time. I agree to apply for any and all building permits that may be needed in the construction of this La Crosse Outdoor Café Restaurant Recovery Area.

Signature [Signature] Date 8/4/2020

Signature may be typed if completing electronically

August 4, 2020

To whom it may concern,

This is to verify that as the owner/agent for The American House LLC, 222 Pearl Street, that I am aware that Buzzards Billy's is applying for licensing to sell food / alcohol in the public areas defined by their permits and that they have my approval.
Thank You.

Sincerely,


Terry Peterslie



BUZZARD BILLY'S
222 PEARL ST

A

Subway
to east

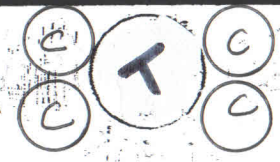
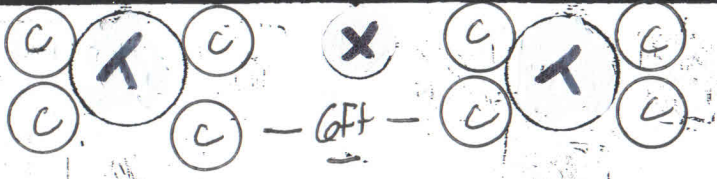
Holiday
Inn
to west

PEDESTRIAN WALKWAY

chair (c)
table (T)
x = trash receptacle

SATELLITE
ENTRANCE
cigarette
receptacle

BUZZARD
BILLY'S
ENTRANCE



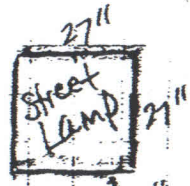
8ft

8ft

8ft

Buzzard Billy's 222 Pearl Street
Sidewalk Cafe
3 Tables - Width of Building.

SIDEWALK



16" curb edge

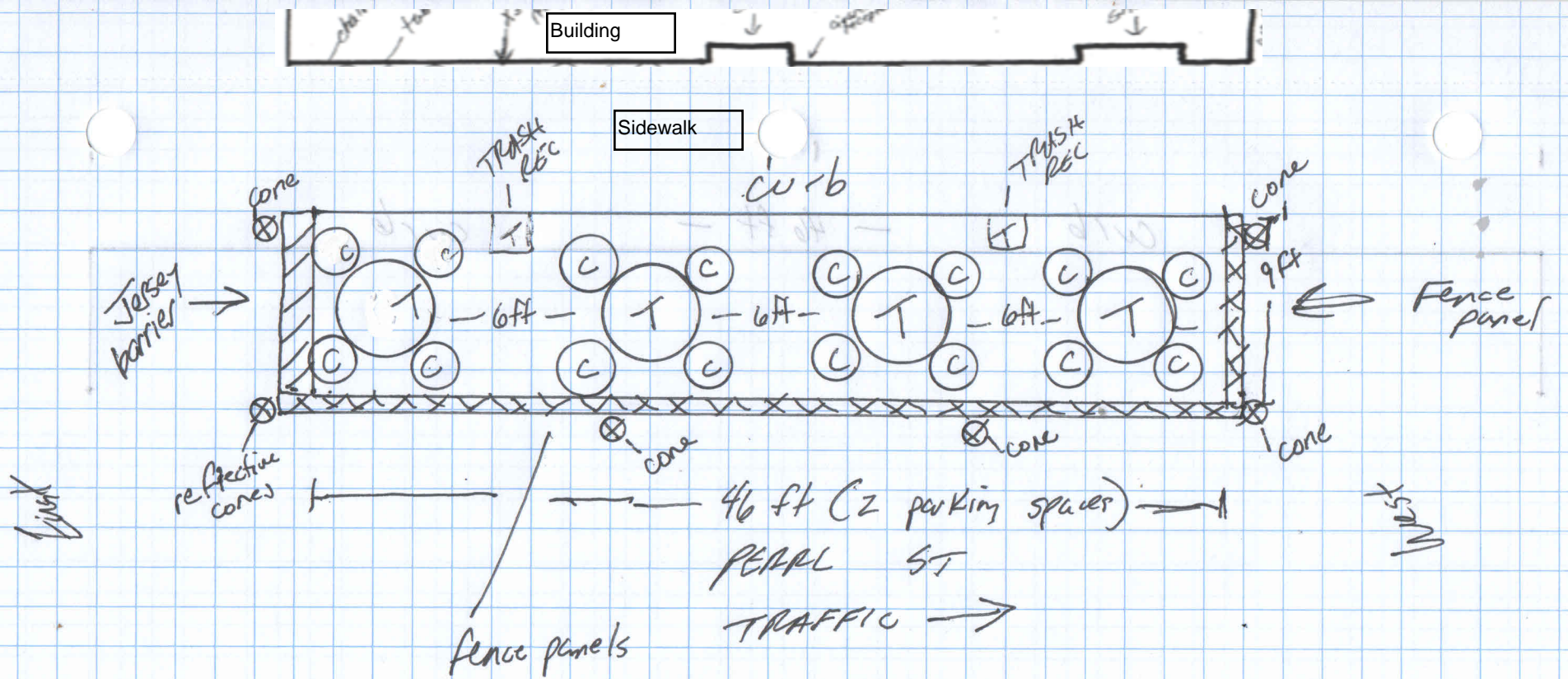
75" to driveway
between
Buzzard's +
Holiday Inn
(west)
13' building
inside to curb
edge

property
line
16' from property line to
west edge subway

PEARL ST
North

one square = one foot

property
line



Buzzard Billy's 222 Pearl St
 Street Cafe- 2 parking spaces on north side of Building on Pearl Street

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS RELATING TO PREMISES

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE

<p>State Or Governmental Agency Or Subdivision Or Political Subdivision: City of La Crosse 400 La Crosse St , La Crosse, WI, 54601</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

Section II – Liability is amended as follows:

A. The following is added to Paragraph C. Who Is An Insured:

3. Any state or governmental agency or subdivision or political subdivision shown in the Schedule is also an additional insured, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization in connection with premises you own, rent or control and to which this insurance applies:

- a. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistaway openings, sidewalk vaults, street banners or decoration and similar exposures;
- b. The construction, erection or removal of elevators; or
- c. The ownership, maintenance or use of any elevators covered by this insurance.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Paragraph D. Liability And Medical Expenses Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1. Required by the contract or agreement; or
 - 2. Available under the applicable Limits Of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits Of Insurance shown in the Declarations.