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 Heath 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 or Tim Acklin, AICP zabrowskij@cityoflacrosse.org 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.

	Kelsey Williams	Date
8/10/20	Signature may be typed if completing	electronically

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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	Kelsey Williams	Date
8/10/20	Signature may be	typed if completing electronically
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IMPORTANT P	ROGRAM INFORMATION CO	INTINUED :(Refer to the Program Guidelines for
more informatio	n)	

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 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 Jack Zabrowski acklint@cityoflacrosse.org zabrowskij@cityoflacrosse.org 608-789-7391 608-789-8676

Date

⊠ Signature

Kelsey Williams

	Signature may be typed if completing electronically
Application	
ESTABLISHMENT AND	OWNER INFORMATION
Business NameFayz	e's Restaurant
Business Address	135 4th Street South
	C(LLC, Corp, etc)FTW Inc. (Drew & Kelsey Williams5-7911_ Emailfayzesrestaurant@gmail.com
Name of Property Owner	(if different than above)Fred & Deb Wakeen
Phone Number608-79	9-4833_ Emailfredtdeb@gmail.com
Does this business currer	ntly 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?

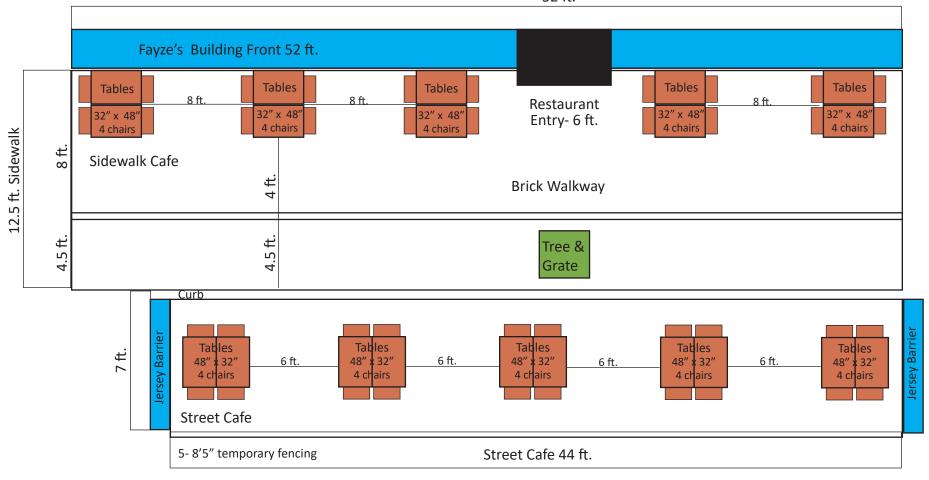
(Requires provisional approval by the City Clerk and approval by the Common Council) X YES □ NO (If NO skip to <i>CHOOSE TYPE OF OUTDOOR CAFÉ</i>)
Please specify how you want to expand your current Liquor License.
X Into adjacent Right-of-Way (public sidewalk, on-street parking spaces, street, public plazas)
☐ Into existing business or adjacent off-street parking lot or open space.
CHOOSE TYPE OF OUTDOOR CAFÉ (see program guide for definitions)
X Street Café (Requires Board of Public Works Approval of a Street Privilege Permit)
X 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:10 (includes existing sidewalk tables)_
Number of seats in proposed outdoor seating area:28 (includes existing sidewalk tables)
Existing inside seating capacity:~200 (however, currently operating at ~25-50%)
Your existing building capacity will apply across ALL seating areas through the use of this permit. Number of bathroom fixtures:4 men, 3 women
Number of onsite, off-street parking spaces for your business currently:N/A
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.
⊠ SignatureKelsey Williams Date8/10/20 Signature may be typed if completing electronically

Fayzes Restaurant

135 4th Street South

Sidewalk Cafe- Width of Building Street Cafe- 2 parking spaces in front of building. (1 -handicapped and 1- regular)

52 ft.



4th Street

Request to move handicap parking and curbside pickup signs to another location.

Request to temporarily move handicapped space in front of 203-207 3rd St S.

Outdoor Capacity

Sidewalk Cafe: 20 Street Cafe: 20 **Total:** 40





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 08/04/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	608-783-5206	CONTACT Jino Stoner				
Fleis Insurance Agency Inc. 1824 E. Main Street		PHONE (A/C, No, Ext): 608-783-5206	FAX (A/C, No): 608-78	33-5209		
P O Box 537		E-MAIL stoner@fleisinsurance.com				
Onalaska, WI 54650 Steven J. Fleis		INSURER(S) AFFORDING COVERAGE	NAIC#			
		INSURER A: Society Insurance	15261			
INSURED		INSURER B : Erie Insurance Group	26263			
FTW Inc 135 S 4th St		INSURER C :				
La Crosse, WI 54601-3257		INSURER D :				
		INSURER E :				
		INSURER F:				
	0					

COVERAGES CERTIFICATE NUMBER: 2 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

		JSIONS AND CONDITIONS OF SUCH							
INSR LTR		TYPE OF INSURANCE	INSD	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	S
A		COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$ 1,000,000
		CLAIMS-MADE X OCCUR	X			02/01/2020	02/01/2021	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	X	Business Owners						MED EXP (Any one person)	\$ 5,000
								PERSONAL & ADV INJURY	\$ 1,000,000
	GEN	I'L AGGRE <u>GAT</u> E LIMIT AP <u>PLIE</u> S PER:						GENERAL AGGREGATE	\$ 2,000,000
		POLICY PRO- JECT LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000
		OTHER:							\$
В	AUT	OMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	X	ANY AUTO				02/01/2020	02/01/2021	BODILY INJURY (Per person)	\$
		OWNED SCHEDULED AUTOS ONLY						BODILY INJURY (Per accident)	\$
	X	HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
1									\$
Α	Х	UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	\$ 1,000,000
		EXCESS LIAB CLAIMS-MADE				02/01/2020	02/01/2021	AGGREGATE	\$ 1,000,000
		DED X RETENTION\$ NONE							\$
Α	WOR	RKERS COMPENSATION EMPLOYERS' LIABILITY						X PER OTH- STATUTE ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE		N/A			02/01/2020	02/01/2021	E.L. EACH ACCIDENT	\$ 100,000
	(Mandatory in NH)		A A					E.L. DISEASE - EA EMPLOYEE	
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLICY LIMIT	_
A	A Society Insurance					02/01/2020	02/01/2021	BUILDING	2,129,142
Α	A Society Insurance					02/01/2020	02/01/2021	PROPERTY	486,661

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RESTAURANT/TBP18

CERTIFICATE HOLDER		CANCELLATION
	CITYLA1	
City of La Crosse		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
400 La Crosse St La Crosse, WI 54601		AUTHORIZED REPRESENTATIVE Second Sec

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

State Or Governmental Agency Or Subdivision Or Political Subdivision:

City of La Crosse 400 La Crosse St , La Crosse, WI, 54601

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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.