# 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.

X	Signature	Chris C	ohnson	Date	08/05/2020
Sign	ature may	be typed if com	oleting 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.

### <u>IMPORTANT PROGRAM INFORMATION</u>:(Refer to the Program Guidelines for more information)

- 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).

X	Signature	Chris C	Johnson		08/05/2020		
Sign	ature may	be typed if com	pleting electronically				

# <u>IMPORTANT PROGRAM INFORMATION CONTINUED</u>:(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 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					
■ Signature Chris Johnson	Date 08/05/2020					
Signature may be typed if completing electronically						

### **Application**

### ESTABLISHMENT AND OWNER INFORMATION

Business Name Uptowne Cafe LLC	
Business Address	
1217 Caledonia St. La Crosse WI 54603	
Name of Business Owner (LLC, Corp, etc) Uptowne Cafe LLC	C
Phone Number 2103676408 Email <u>chris@uptowneca</u> Name of Property Owner (if different than above) Nick Roush	afe.com
Name of Property Owner (if different than above) Nick Roush	
Phone Number Email	
Does this business currently hold a City of La Crosse liquor license?	? No
If yes, answer questions below. If no, skip to CHOOSE TYPE OF OUT	DOOR CAFÉ.
If YES answered above, will you be requesting an expansion of pre (Requires provisional approval by the City Clerk and approval by the ☐ YES ✓ NO (If NO skip to CHOOSE TYPE OF OUT	ne Common Council)
Please specify how you want to expand your current Liquor Licens   ☐ Into adjacent Right-of-Way (public sidewalk, on-street parking sometimes of adjacent off-street parking lot or open	spaces, street, public plazas)
CHOOSE TYPE OF OUTDOOR CAFÉ (see program guide for definition of the control of	et Privilege Permit) reet Privilege Permit) Street Privilege Permit) Privilege Permit)
SITE/PROJECT DESCRIPTION  Please describe the proposed outdoor seating area details below.  Number of tables in proposed outdoor seating area: four tables  Number of seats in proposed outdoor seating area: 20  Existing inside seating capacity: 40 (not opening for indoor dining)  Your existing building capacity will apply across ALL seating areas in Number of bathroom fixtures: 2  Number of onsite, off-street parking spaces for your business currents.	
PERMIT FEES There are no fees for this application.	
APPLICANT SIGNATURE  I hereby make an application for an Outdoor Café Permit as detailed requirements of all City ordinances and State laws. I understand the Outdoor Café Restaurant Recovery Area Permit is conditional and suspended at any time. I agree to apply for any and all building per construction of this La Crosse Outdoor Café Restaurant Recovery Area Permit is conditional and suspended at any time. I agree to apply for any and all building per construction of this La Crosse Outdoor Café Restaurant Recovery Area Permit as detailed requirements of all City ordinances and State laws. I understand the Outdoor Café Restaurant Recovery Area Permit as detailed requirements of all City ordinances and State laws. I understand the Outdoor Café Restaurant Recovery Area Permit is conditional and suspended at any time. I agree to apply for any and all building per construction of this La Crosse Outdoor Café Restaurant Recovery Area Permit is conditional and suspended at any time. I agree to apply for any and all building per construction of this La Crosse Outdoor Café Restaurant Recovery Area Permit is conditional and suspended at any time.	nat the approval of a La Crosse that the permit can be revoked or rmits that may be needed in the Area.
Signature	Date <u>08/05/2020</u>
Signature may be typed if completing electronically	

# **Bebop & Bundles**

### **Masters HVAC**

# Uptowne Cafe

Uptowne Cafe- 1217 Caledonia St Sidewalk Cafe- East side- Width of Building Street Cafe- East Side- 2 parking spaces width of building



Physical barrier made of cinder blocks and landscaping timbers CMU will be glued to eachother

Candlestick Cones 16' apart

10′

9'



#### 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.

**JGALLUP** 



### **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY) 8/6/2020

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).

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PRODUCER Robertson Ryan - La Crosse PO Box 547				CONTACT Jodi Gallup							
				PHONE (A/C, No, Ext): (608) 881-8496 1746 FAX (A/C, No): (608) 784-4774  E-MAIL ADDRESS: jgallup@robertsonryan.com							
Lav	Crosse, WI 54602										NAIC #
					INSURER(S) AFFORDING COVERAGE INSURER A : SOCIETY INSURANCE				15261		
INSU	JRED				INSURER B:					1.0201	
	Uptowne Cafe, LLC				INSURER C :						
	1217 Caledonia Street, Ste. E	3			INSURER D:						
	La Crosse, WI 54603				INSURER E:						
					INSURER F:						
CO	VERAGES CER	TIFI	CATE	NUMBER:				REVISION NUM	MBER:		
II C	HIS IS TO CERTIFY THAT THE POLICIE NDICATED. NOTWITHSTANDING ANY RERTIFICATE MAY BE ISSUED OR MAY XCLUSIONS AND CONDITIONS OF SUCH	EQU PER POLI	IREME TAIN, CIES.	ENT, TERM OR CONDITION THE INSURANCE AFFORI LIMITS SHOWN MAY HAVE	N OF AN DED BY	NY CONTRAC THE POLICI EDUCED BY F	CT OR OTHER ES DESCRIB PAID CLAIMS.	R DOCUMENT WIT	TH RESPE	CT TO	O WHICH THIS
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)		LIMIT	s	
Α	X COMMERCIAL GENERAL LIABILITY							EACH OCCURREN	CE	\$	1,000,000
	CLAIMS-MADE X OCCUR	X				2/9/2020	2/9/2021	DAMAGE TO RENT PREMISES (Ea occ	ED urrence)	\$	100,000
	χ Hired & Non-Owned							MED EXP (Any one	person)	\$	5,000
								PERSONAL & ADV	INJURY	\$	1,000,000 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREO		\$	2,000,000
	POLICY PRO- LOC							PRODUCTS - COM		\$	300,000
	AUTOMOBILE LIABILITY							COMBINED SINGLE		\$	
	ANY AUTO							(Ea accident) BODILY INJURY (Po	er nerson)	\$	
	OWNED AUTOS ONLY SCHEDULED AUTOS							BODILY INJURY (P			
	HIRED NON-OWNED AUTOS ONLY							PROPERTY DAMAG (Per accident)	GE GEGGGG	\$	
	ACTOC SINE:							, , , , , , , , , , , , , , , , , , , ,		\$	
	UMBRELLA LIAB OCCUR							EACH OCCURREN	CE	\$	
	EXCESS LIAB CLAIMS-MADE							AGGREGATE		\$	
_	DED RETENTION \$							DED	OTIL	\$	
Α	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					2/9/2020	2/0/2024	X PER STATUTE	OTH- ER		100 000
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)				2/9/2020	2/9/2020	2/9/2021	E.L. EACH ACCIDE	NT	\$	100,000
	If ves, describe under							E.L. DISEASE - EA			500,000
	DÉSCRIPTION OF OPERATIONS below							E.L. DISEASE - POI	LICY LIMIT	\$	300,000
DES	CRIPTION OF OPERATIONS / LOCATIONS / VEHICL	LES (	ACORD	101. Additional Remarks Schedu	ıle. mav be	attached if more	e space is requir	red)			
The	City of La Crosse is listed as an additio	nal i	nsure	ed to the general liability po	olicy.		o opaso io roquii	,			
CE	RTIFICATE HOLDER				CANC	ELLATION					
City of La Crosse 400 La Crosse Street La Crosse, WI 54601					SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.						
					AUTHORIZED REPRESENTATIVE						