

City of Cambridge Temporary Sidewalk Patio Guidelines (in effect till October 31, 2020)

The City of Cambridge requires a Sidewalk Patio Permit for an owner or occupant of a property which abuts a sidewalk or boulevard to establish, maintain and operate a café/patio in conjunction with the operation of the restaurant on a portion of the boulevard and/or sidewalk. The City of Cambridge Patio Guidelines set the framework for a Sidewalk Patio Permit.

In all cases new patios must meet AODA (“The Accessibility for Ontarians with Disabilities Act”) rules with priority on safe and unobstructed Clear Path of Travel, meeting applicable law (including Occupant Load for licensed patios) and addressing specific setbacks related to the transportation system.

Definitions:

AODA: means The Accessibility for Ontarians with Disabilities Act.

Applicant: means any business owner or property owner making application for a Sidewalk Patio Permit;

Clear Path of Travel: Includes public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience (described in Section 80.21(1) of O.Reg. 413/12: Integrated Accessibility Standards).

Patio Application: Patio Application Form to request a sidewalk patio in the City of Cambridge.

Patio Seating:

- Single Table Seating: A patio with single table seating that can accommodate 1-3 chairs.
- Double Table Seating: A patio with double table seating that can accommodate 4 chairs.
- Double Loaded Patio: A patio layout involving a curb side patio and a façade patio separated by a public sidewalk (Sidewalk Clearance Zone/Clear Path of Travel).

Permit – means a Sidewalk Patio Permit.

Sidewalk Zone: The area of sidewalk located between property line (and/or building façade) and back side of curb. The Sidewalk Zone is divided into three sections:

1. The Street Furnishing Zone (where curb site patios are located);
2. The Sidewalk Clearance Zone (Clear Path of Travel);
3. Building Frontage Zone (where façade patios are located).

General Provisions:

This section of the Sidewalk Patio Guidelines establishes general guidelines that apply to new patios located on city sidewalks.

Technical Criteria:

1. A sidewalk patio will require a sidewalk patio permit approved by the City of Cambridge. A Patio Plan will be required showing the location of a proposed patio with the Sidewalk Patio Guidelines used to evaluate the patio proposal.
2. In all cases, patios (including fencing, seats and tables) are intended to be temporary features and be removable (portable). Screw anchors will not be permitted to secure patio fencing (railings or posts) to the sidewalk surface. Alternative fencing such as stanchions, planter boxes and fence base plates are encouraged.
3. For maintenance reasons, patios will only be permitted on a seasonable basis between March 15th to October 31st. During the off season the public right of way shall be returned to its original condition with no patio furniture or fencing in the right of way.

Patio Location Criteria:

1. All patios must demonstrate (through a Patio Plan) that they maintain minimum AODA accessibility requirements that include providing an unobstructed sidewalk clearance zone (called Clear Path of Travel). The onus is on the Patio Applicant to ensure a Clear Path of Travel is maintained. Specific criteria are highlighted below:
 - Minimum 1.8 metre Clear Path of Travel.
 - Ensure no obstructions are located within the Clear Path of Travel such as street furniture, tree, signage, bus shelter, garbage receptacle and other physical obstructions.

- A patio cannot block pedestrian access along a street, walkway connection or entrance.
 - As part of maintaining a clear path of travel, ensure all patio signage is located close to the building façade and does not cross into the public sidewalk area. Clearly show the patio signage on the Patio Plan and ensure it is maintained in this location.
2. Patios are encouraged to be located along the associated business building frontage and not extend past the business frontage shown on a Patio Plan. If additional patio space is requested, permission from the adjacent property owner/business will be required.
 3. In most cases, patio space will be determined by road width, sidewalk space, setback requirement(s) and location context. As a principle, the following patio dimensions are identified (where there is sufficient sidewalk space):
 - Clear Path of Travel: In all cases, a Clear Path of Travel shall be maintained.
 - Non-fenced patio: approximately 1.0 metre space suitable for select Street Furnishing Zones and Building Frontage Zones.
 - Fenced patios (single and double table seating): a fenced patio will typically range from 1.8 - 2.5 metres in width and will likely be located in the Building Frontage Zone (façade patio). A standard depth of 2.0 metres is required for single table seating and 2.2-2.5 metres for double table seating that includes a 1 metre aisle for server access.
 - Double Loaded Patios. In some instances, there may be opportunity to accommodate a double loaded patio (Building Façade Zone and Street Furnishing Zone) provided Clear Path of Travel and other performance standards are met.
 4. Patios are not to be located within a driveway or roadway daylight corner measured 3.0 metre by 3.0 metres from the sidewalk intersection.

Licensed Patios (Outdoor Licensed Areas)

1. Licensed Patios are regulated by The Alcohol and Gaming Commission (AGCO), as well as, the Ontario Building Code and subject to the Ontario Fire Code. In all cases, a licensed patio must demonstrate that they have sufficient occupant load and safe access. Prior to any Permit being issued, an Applicant is required to submit proof of a proper liquor license.

2. Licensees must continue to ensure that all licensed areas are readily distinguishable from areas to which the license does not apply.
3. Licensed patios are encouraged within the Building Frontage Zone.

Patio Accessibility:

1. All patios are to be located on the sidewalk surface and be level with this surface. Grade changes are to be avoided. The ground surface leading to and under tables is to be level, firm and stable. A fenced patio is required to have a minimum 1.2 metre access into the patio area.
2. Accessible seating and accessibility is encouraged. Barrier free access is encouraged directly from the sidewalk. Internal building access to patio may be considered as an alternative or supplemental access.
3. Accessible seating is encouraged. Tables should be accessible using mobility aids by having a knee and toe clearance under the table.
4. For safety and accessibility reasons, a patio must not block any access to a fire department connection, city sewer, gas valve or meter, building entrance (or exit), city or street furniture (such as garbage container, public bench, bus shelter, bike rack) or other sidewalk access. Patio tables, chairs and other amenities shall not obstruct or protrude onto the Sidewalk Clearance Zone or access to building entrances.

Patio Design Expectations and Amenities:

- All patio furniture (including fencing, railings, chairs and tables) are to be located within the patio area and be made out of sturdy and weather resistant materials such as wrought iron, aluminum, steel, wood, plastic and vinyl.
- Applicant shall use the patio/café solely for restaurant purposes of serving food and beverages.
- Applicant shall keep and maintain the boulevard and sidewalk clean and, free of rubbish and debris of all kinds.
- Applicant shall not install portable food appliances including, but not limited to, items such as barbeques, portable propane heaters, decks, outdoor carpeting, artificial turf or utilities.
- Applicant shall keep the patio/café, including the perimeter and the furniture, clean, and free of rubbish and debris of all kinds.

- Landscaping of sidewalk patios is encouraged and must be of a temporary design. Plant material may include planters, hanging baskets (over railings but must be contained with the patio area and shall not extend into the Sidewalk Clearance Zone. A range of options can be considered including planter designs internal to the patio area.

Indemnification:

The owner and occupant will indemnify and save harmless the City of Cambridge and Region of Waterloo from all claims, actions, costs (including legal costs on a solicitor-client basis), demands and liabilities with respect to any personal injury, death or property damage done or sustained by anyone with respect to the said lands of the City of Cambridge and Region of Waterloo.

Insurance Requirements:

The owner and occupant will maintain a comprehensive policy of public liability and property damage insurance acceptable to the City of Cambridge providing occurrence-based insurance coverage in an amount of not less than \$2,000,000.00 (\$5,000,000.00 for liquor licensed patio/café) per occurrence exclusive of interest and costs. Such policy shall protect the City from all loss, damage, claims or actions arising howsoever out of use and maintenance of the leased lands and shall name the City of Cambridge and Region of Waterloo as an additional insured there under. Such policy shall provide, for the following endorsements: Cross Liability with a Severability of Interests Clause, Contractual Liability, Host Liquor Liability and a 30 day notice of cancellation clause.

Application Guidelines:

1. The applicant must complete the Sidewalk Patio application and submit the application to Engineering & Transportation Services.
2. The following is required at the time of applying:
 - a. Completed Patio Application Form;
 - b. Diagram of proposed location of the patio (Patio Plan);
 - c. Certificate of Insurance;
 - d. Proof of a proper liquor license;
3. Transportation staff will review the Sidewalk Patio application submission to ensure it is complete and begin the approval process.

4. Transportation staff will distribute the Sidewalk Patio application to the following departments for approvals:
 - a. Planning staff will review the submission to ensure the application complies with applicable zoning.
 - b. Risk Management staff will approve proof of Liability Insurance.
 - c. Clerk's staff reviews and approves the liquor license.
5. Once all approvals are received Transportation staff issue the Sidewalk Patio Permit.
6. Transportation staff will inspect to ensure the location of the patio is consistent with the approved Patio Plan.