

Outdoor Patio Program Guidelines

1.0 Introduction

- 1.1 West Vancouver has had the chance to try new types of patios in response to local business and resident demand, leading to the need for a new, consolidated set of patio guidelines.
- 1.2 These guidelines ensure that patios are safe, accessible, and contribute to the vibrancy and attractiveness of West Vancouver's commercial areas.
- 1.3 They are also intended to help business owners assess the feasibility of adding a patio to their premises and understand the process involved.

2.0 Eligibility

- 2.1 Patio applications may be considered accessory to the following uses: restaurant (includes cafés and coffee shops); microbrewery, winery and distillery; and liquor primary licensed premises.
- 2.2 Eligible businesses must have a valid business license.
- 2.3 Where the applicant is a tenant, they must have consent from the landlord or designated owner's representative (for example, the commercial property manager) before adding a patio to the premises.

3.0 Patio Options & Application Process

- 3.1 Outdoor patios must comply with applicable District of West Vancouver bylaws, including but not limited to the Business License Bylaw, Noise Control Bylaw, Official Community Plan Bylaw (including applicable policies and guidelines for development permit areas), Sign Bylaw, Traffic and Parking Bylaw, Tree Bylaw, and Zoning Bylaw.
- 3.2 Patios located on public property (e.g. a sidewalk) must comply with the terms of any Licence of Occupation or Street Occupancy Permit issued by the District for use of that space.
- 3.3 Liquor service is permitted where a business has approval from the Province's Liquor and Cannabis Regulation Branch (LCRB) to serve alcohol within the patio area.

- 3.4 Three types of outdoor patio may be considered, all of which may be seasonal or year-round:

| Patio Type | Summary | Application Process |
|---|---|--|
| Sidewalk seating <i>(public space)</i> | For a restaurant or café that doesn't serve liquor, sidewalk seating and tables are an option. Small-scale outdoor seating area, next to the business premises, with no fence or perimeter barrier. | Development permit exemption (DPE) application, followed by a license to occupy. |
| Sidewalk patio <i>(public space, limited to the eastern portion, north side of 2400-block Marine Drive in Dundarave)</i> | Provides an option for patios in public space in part of the Dundarave commercial area. Permanent structures (e.g. roofs) are not permitted, but a fence or perimeter barrier may be included. | Street occupancy permit application. |
| Private property patio | Patio space on private property. May include patios on space used for off-street parking, subject to approval of a minor development permit with parking variance. | Minor development permit application, or development permit exemption (DPE), followed by a building permit application |

4.0 Fees & Insurance

- 4.1 Fees for permit and license applications are as outlined in the Fees and Charges Bylaw.
- 4.2 Patios on public property will be required to provide a certificate of insurance, with comprehensive liability coverage of at least \$5 million, and the District listed as an additional insured.
- 4.3 For patios where alcohol is served, proof must be provided to the District of a minimum of \$5 million in host liquor liability insurance.

5.0 Public Notification & Engagement

- 5.1 Where a development permit application is required, public consultation will be required as outlined in the Development Procedures Bylaw No. 4940, 2017.
- 5.2 For sidewalk seating and sidewalk patios, adjacent business owners must be notified of potential changes to the sidewalk area.

- 5.3 Additional public notification may be required by the LCRB as part of a liquor license application.

6.0 Design, Accessibility & Location

- 6.1 All patios should include a high quality of materials and finishes, compatible with the streetscape and surrounding commercial area.
- 6.2 Businesses are encouraged to make their patios universally inclusive. Patios should be accessible for people using mobility devices – including wheelchairs, scooters, or walkers - either directly from the public sidewalk or from the interior of the business premises.
- 6.3 Ramps may be used and must be hard-surfaced, slip-resistant, and at least 1.2m (4 ft.) wide. Patio exits/entrances must be a minimum of 1.2 m (4 ft.) wide to accommodate people using mobility devices, or those may be travelling with strollers.
- 6.4 A clear path of travel at least 1 m (3.2 ft.) wide should be provided, with a turning radius of at least 1.5 m (5 ft.), to accommodate people using mobility devices, and provide space for internal circulation (e.g. staff serving or clearing tables, as well as patio customers).
- 6.5 The design and placement of patio furniture should allow people using mobility devices to sit alongside fixed seating, or where tables are provided, to pull up to each table. High-top tables are not accessible for most people using mobility devices.
- 6.6 Any fencing or perimeter barrier should include at a minimum a 2 inch lip at the bottom, for a cane to hit, so that blind or partially sighted people will know where to stop.
- 6.7 Any umbrellas, awnings, canopies or similar temporary weather shelter:
- 6.7.1 Should be located entirely within the boundaries of the patio area;
 - 6.7.2 Must not fully enclose the patio area and must allow for ventilation;
 - 6.7.3 Should be safely anchored and secured so that they do not flap, blow away, or create a hazard; and
 - 6.7.4 Need to be flame spread rated in accordance with the BC Fire Code.
- 6.8 Free-standing propane heaters may be permitted.
- 6.9 Patios may not include outdoor kitchens, food preparation facilities, or bars.

- 6.10 Lighting may be used to add to the character and function of the patio space, and the design of any lighting should coordinate with patio furnishings and building design. Any lighting should comply with District bylaws and Electrical Code.
- 6.11 Landscaping is not required, but can help to create an attractive patio space. The addition of planters and landscaping is encouraged, but must be easily removeable where the patio is on public space.
- 6.12 All patios on public property:
 - 6.12.1 Are limited to the area immediately adjacent to the premises, unless otherwise agreed to by the District;
 - 6.12.2 May not extend in front of neighbouring premises, unless agreed to in writing by the occupier and owner of neighbouring premises, and subject to approval by the District;
 - 6.12.3 May not include structures requiring a building permit;
 - 6.12.4 May be required to be removed by the applicant at the District's discretion, upon 24 hours notice to the applicant, or as outlined in the applicable Licence of Occupation or Street Occupancy Permit; and
 - 6.12.5 Patios cannot obstruct sidewalk space and must allow people, including those using mobility devices, to pass through the space easily and safely. A minimum of 1.8 m (6 ft.) clear sidewalk width is required, and this area may not include any patio elements (e.g. planters, fencing, supports for weather protection, etc.) and must be free of any obstructions (e.g. street trees, signs, fire hydrants, street furniture etc.) on the sidewalk.
- 6.13 Sidewalk seating:
 - 6.13.1 Must be located immediately abutting the building, at the same grade as the public sidewalk, unless site conditions or the District dictate otherwise;
 - 6.13.2 Tables within the public right-of-way should be a maximum of 0.9 m (3 ft.) in diameter or, if rectangular, 0.9 m (3 ft.) on the longest side; and
 - 6.13.3 May not include a fence or perimeter barrier on public property.

6.14 Patios on private property:

6.14.1 May be considered in space used for surface parking, subject to approval of a development permit with a parking variance, as required, if space for safe vehicle circulation can be provided. There must be no reduction in the amount of loading space or accessible parking.

7.0 Operations & Maintenance

- 7.1 Businesses are encouraged to work with their neighbours to minimize disturbances to nearby residents and adjoining businesses. This includes monitoring and managing the patio to ensure patrons are not negatively impacting neighbouring properties.
- 7.2 Patios must comply with Noise Control Bylaw No. 4404, 2005. The use of speakers, amplified sound systems or live music is not permitted.
- 7.3 Patios may include lighting to support the character, function, and safety of the patio area, but excessive lighting levels, glare or overspill to neighbours should be avoided.
- 7.4 Patios must be kept tidy and free of garbage. Businesses are expected to dispose of any waste or recyclables through their commercial garbage, recycling, and organics collection service providers; disposal within public realm receptacles is not permitted.
- 7.5 Snow and ice removal from patio areas is the responsibility of the business. Regulations for snow, ice and debris removal in the Traffic and Parking Bylaw extend to patios located in public space (e.g. on a sidewalk).

8.0 Resources

8.1 For more information:

8.1.1 District of West Vancouver patio webpage:
westvancouver.ca/patios

8.1.2 Planning & Development Services general enquiries:
planningdepartment@westvancouver.ca or 604-925-7055