



# Temporary Outdoor Business Areas – Guidelines

## Overview

The Province of British Columbia’s Restart Plan, which provides for a phased re-opening of businesses, includes ongoing restrictions relating to social distancing and new WorkSafeBC guidelines for each type of business. As a result, many businesses will be required to operate at a reduced capacity.

To facilitate compliance with such restrictions and guidelines, the District of West Vancouver has adopted measures to enable local businesses to temporarily create or expand outdoor patios and retail areas (“Temporary Outdoor Business Areas”) in order to accommodate more customers. Such new or expanded Temporary Outdoor Business Areas may be located on sidewalks, in curbside parking areas (where appropriate), or in private parking areas. A business may apply to create or expand a Temporary Outdoor Business Area by signing and submitting a Temporary Outdoor Business Area Declaration.

By signing and submitting the Temporary Outdoor Business Area Declaration, the Applicant is agreeing to comply with the guidelines set out herein. Where a Temporary Outdoor Business Area is located on a municipal sidewalk or roadway, the applicant will also be required to apply for and obtain a Street Occupancy Permit, and these guidelines will be deemed to form a part of such Street Occupancy Permit.

Failure to comply with these guidelines will be deemed to constitute a breach of the Street Occupancy Permit. No application fees will be charged in connection with the creation or expansion of a Temporary Outdoor Business Area.

## I) GENERAL REQUIREMENTS AND GUIDELINES

- 1) The Applicant will obtain all relevant permissions and approvals and comply with all provincial liquor licensing and COVID-19-related operational requirements, including without limitation all orders issued by the Provincial Health Officer, Minister of Public Safety and Solicitor General relating to social distancing and business capacities.
- 2) If the Applicant is a tenant, then the Applicant is responsible for obtaining the consent of its landlord in connection with the Temporary Outdoor Business Area, if required, and the Applicant will provide to the District upon request confirmation of such consent or evidence that such consent is not required. For business premises located in a strata building, the majority of which is residential, the applicant is responsible for obtaining the consent of the residential strata.
- 3) The Temporary Outdoor Business Area must be removed on the earlier of December 31, 2024 or such sooner date as may be specified by the District by notice to the Applicant.

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- 4) Notwithstanding section 3 above, the District may at any time, in its sole discretion, upon 24 hours' notice, require the removal of any Temporary Outdoor Business Area on private or public land and terminate any permit relating to a Temporary Outdoor Business Area, and in such event all personal property and permitted improvements installed by or on behalf of the Applicant must be removed by the Applicant within 24 hours following delivery of such notice. Any such notice from the District will be deemed to have been delivered on the day on which it is left at the premises associated with the Temporary Outdoor Business Area. Any items not removed by the Applicant within 24 hours following notice from the District may be removed by the District and disposed of in its sole discretion, without compensation to the Applicant, and the Applicant will pay the District's costs of such removal and disposal upon demand.

## II) Guidelines for all Temporary Outdoor Business Areas

- 1) The following are permitted in all Temporary Outdoor Business Areas, subject to any restrictions set out in Article III:
  - a) easily removable unaffixed tables, chairs and benches;
  - b) display tables, display cases and clothing racks;
  - c) temporary barriers, including ropes, planters, fencing and railings;
  - d) removable awnings, patio umbrellas and bases;
  - e) tents and canopies, but only on private property (subject to Article IV);
  - f) portable standing radiant heaters, provided that they conform to all safety standards, including the B.C. Fire Code and the Electrical Code, and provided that they don't create a tripping or fire hazard;
  - g) portable ramps to facilitate wheelchair access from sidewalk to street level;
  - h) temporary outdoor lighting that conforms to District Bylaws and all safety and manufacturer's standards, including the Electrical Code, and does not create a tripping hazard; and
  - i) business activities between 8 a.m. and 10 p.m., seven days per week.
- 2) The following are not permitted in any Temporary Outdoor Business Areas:
  - a) structures requiring a building permit;
  - b) wash stations;
  - c) outdoor kitchens, food preparation facilities and bars;
  - d) portable generators;
  - e) speakers or amplified music or sound of any kind;
  - f) the sale or consumption of alcohol except with the appropriate liquor licence;
  - g) the sale or consumption of tobacco or cannabis; and

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- h) business activities between 10 p.m. and 8 a.m., seven days per week.
- 3) A Temporary Outdoor Business Area associated with certain premises will be limited to the area immediately adjacent to such premises, and unless otherwise agreed by the District and the occupier and owner of neighbouring premises, will not extend in front of neighbouring premises. No part of a Temporary Outdoor Business Area may block a vehicular or pedestrian exit.
  - 4) Privately owned on-site parking may be used as a Temporary Outdoor Business Area, provided that the required number of designated accessible parking stalls is maintained at all times.
  - 5) Electrical fixtures must comply with the Electrical Code and not create tripping or safety hazards.
  - 6) The Outdoor Temporary Business Area must be wheelchair accessible, either from the interior of the premises or directly from the sidewalk, and wheelchair access, including a temporary ramp from the street, if necessary, must be provided to and through any Temporary Outdoor Business Area.
  - 7) No advertising signage will be permitted in an Outdoor Temporary Business Area except for a single banner identifying the business and declaring that the Outdoor Temporary Business Area is open.
  - 8) The Outdoor Temporary Business Area must be kept in a clean, safe, sanitary and attractive condition at all times.
  - 9) An appropriate liquor licence is required if alcohol is to be served in an Outdoor Temporary Business Area. No liquor may be served in an Outdoor Temporary Business Area that will be used as retail space.
  - 10) Garbage and waste will be recycled or disposed of properly off-site by the Applicant. Use of District garbage/recycling receptacles is prohibited. Disposal of any liquid waste into adjacent bodies of water or municipal drains is prohibited.
  - 11) The Applicant must maintain 1.0 metre of clearance around any fire alarm annunciator and fire department connection.
  - 12) The Applicant must ensure that a fire extinguisher is located inside the closest building entrance.
  - 13) Any Temporary Outdoor Business Area that abuts any on-site parking must be separated from the on-site parking by a temporary railing, fence or other barrier, and curb stops must be used for parking stalls immediately adjacent to a Temporary Outdoor Business Area.
  - 14) No landscaped areas may be converted to Temporary Outdoor Business Areas.
  - 15) Umbrellas, tents, canopies and awnings must be safely anchored and secured so that they do not flap, blow away or create a hazard.
  - 16) Umbrellas, tents, canopies, awnings and other items and decorations must be flame spread rated in accordance with the B.C. Fire Code (CAN/ULC S109).
  - 17) Umbrellas, tents, canopies and awnings must be located entirely within the boundaries of the Temporary Outdoor Business Area.

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- 18) Tents must be open on one of the four sides, and must include a permanent opening of at least three feet at or near the center of one of the longest two sides to provide ingress to and/or egress from the Temporary Outdoor Business Area.

### **III) Guidelines for Temporary Outdoor Business Areas on Municipal Road Allowances (including Sidewalks)**

- 1) A Street Occupancy Permit from the District is required in connection with the use of municipal land, including sidewalks and public streets.
- 2) A minimum width of 1.8 metres adjacent to Temporary Outdoor Business Areas will remain clear at all times and available for pedestrian traffic.
- 3) Tables should be a maximum of 0.9 meter in diameter or, if rectangular, 0.9 metre on the longest side.
- 4) The Applicant will not damage any sidewalk or street and no drilling into the pavement of sidewalks or streets is permitted.
- 5) A Temporary Outdoor Business Area must be delineated and partially enclosed by rope, low railings or planters. All such barriers must be easily removable.
- 6) Temporary Outdoor Business Areas located in a roadway must not be located:
  - a) within zones signed as loading zones, accessible parking stalls, bus stops, bicycle lanes or “no stopping” zones, unless District staff in its sole discretion removes or relocates any such signs at the request of the Applicant;
  - b) within clearances for unmarked driveways (3.0 metres), fire hydrants (5.0 metres), crosswalks or intersections (6.0 metres); or
  - c) within 50 metres from any stop sign located on the same side of the road.
- 7) Nothing may be affixed to the outside of the adjacent building, to streets or sidewalks, or to any street lamps, hydrants trees or other structures or objects on municipal property, subject to Article IV.
- 8) Tents, canopies, shelter structures and stages are not permitted, subject to Article IV.
- 9) The Applicant will secure all of its personal property, including without limitation tables, chairs, heaters and other equipment, each day at the close of business. In no event will the District be responsible for any loss of or damage to such equipment.
- 10) Temporary awnings and umbrellas are permitted if they:
  - a) do not create a visual obstruction below 2.6 metres;
  - b) are flame spread rated and meet all other B.C. Fire Code requirements; and
  - c) are located a minimum 50 metres from an intersection.

- 11) Planters and other items in the Temporary Outdoor Business Area may not obstruct sightlines or create hazards for drivers or pedestrians.
- 12) Upon expiry or termination of the right to operate the Temporary Outdoor Business Area, the Applicant will remove from the Temporary Outdoor Business Area all furniture, other personal property, and improvements installed by or on behalf of the Applicant, and will leave the site of the Temporary Outdoor Business Area in neat, clean and tidy condition to the satisfaction of the District.
- 13) The District may enter upon a Temporary Outdoor Business Area and require the temporary closure of a Temporary Outdoor Business Area at any time in connection with the performance of any municipal work.
- 14) All personal property and permitted improvements must be removable from Temporary Outdoor Business Areas within 24 hours upon notice from the District.

**IV) Additional Winter Guidelines for Temporary Outdoor Business Areas on municipal property - applicable between October 1 and April 30**

- 1) Removable polyester, canvas or similar fabric tents and canopies are permitted, subject to the requirements set out in Articles I and V of these Guidelines, provided that the same must be easily removable.

**V) Additional Winter Guidelines for Temporary Outdoor Business Areas on all property - applicable between October 1 and April 30**

- 1) Temporary weather protection, including curtains and drop-down or roll-down coverings, may be attached to canopies or awnings, provided that at least one of the three outer sides (either one of the two short sides or the long side farthest from the adjacent building) is left open and uncovered at all times.
- 2) All temporary weather protection must be entirely located within the boundaries of the Temporary Outdoor Business Area.
- 3) Temporary weather protection must be safely secured at the top and bottom so that it does not flap.
- 4) Temporary weather protection must be flame resistant (must be flame spread rated as per the B.C. Fire Code (CAN/ULC S109)).
- 5) Temporary weather protection must comply with all applicable laws and regulations, including, without limitation the B.C. Fire Code and Electrical Code.
- 6) If temporary weather protection is installed on the long outer side of the Temporary Outdoor Business Area, then where feasible there must be a permanent opening of at least three feet near the center of that long outer side to provide ingress to and/or egress from the Temporary Outdoor Business Area.