POLICY

This policy is intended to guide staff in the review and approval of on-site and off-site business areas in the form of temporary patios and retail spaces.

1.0 REASON FOR POLICY

In response to the challenges created by Covid-19 and to offer businesses an option in complying with appropriate physical distancing objectives, this Policy provides for the creation of temporary patio and retail spaces through the period to March 31, 2023. This Policy sets out the term, guidelines, criteria for review of applications, and the application process.

2.0 DEFINITIONS

(a) “Guidelines” means the Guidelines for Temporary Patio and Retail Spaces attached to this policy.

(b) “Highway Use Permit” means a permit to use public sidewalk and road allowance areas in accordance with Section 704 of the District of North Vancouver Street and Traffic Bylaw 7125.

(c) “Interim Period” means the period of time between when this policy is approved until March 31, 2023.

(d) “Temporary Patio or Retail Space” means an outdoor area on private or public land for the use of a business during the Interim Period. May include but is not limited to: restaurant patio space, seating areas, and retail display areas.

3.0 ELIGIBILITY

1. Any business with a valid business licence to operate in the District of North Vancouver may request approval for a new or expanded Temporary Patio or Retail Space.
3.0 CRITERIA

1. A Temporary Patio or Retail Space may be located on private or public property.

2. A Temporary Patio or Retail Space will be located, configured, and operated in accordance with the Guidelines (Attachment 1).

3. The Guidelines are subject to review and updating during the Interim Period.

4. Municipal fees and rents will be reduced to zero subject to proposals being in compliance with the Guidelines.

5. Zoning Bylaw provisions related to a Temporary Patio or Retail Space on private property will be considered for enforcement should the configuration and operation of the space not comply with the Guidelines.

6. To ensure compliance with the Guidelines, approved applicants for on-site (private) spaces are required to sign and return to the District the “Temporary Outdoor Patio or Retail Space Declaration” (Attachment 3) which will confirm an applicant’s understanding of the Guidelines and their agreement to comply. The declaration form will include reference to any coverings or enclosures for weather protection, as applicable.

7. To ensure compliance with the Guidelines, approved applicants for off-site (public) spaces will receive a Highway Use Permit which will include the guidelines as an attachment and a notation that the space will be subject to inspection by the District of North Vancouver Fire Inspector.

3.0 PROCEDURE

The following procedure is used to implement this Policy but does not form part of the Policy. This procedure may be amended from time to time at the discretion of the General Manager, Planning, Permits, and Properties.

1. Business expresses interest to the District for new or expanded Temporary Patio or Retail Space by submitting a completed Temporary Patio or Retail Space Questionnaire (Attachment 2) to planning@dnv.org

2. Temporary Patio or Retail Space proposal reviewed by the appropriate department:

   2.1 Applications that include a Temporary Patio or Retail Space on private land will be reviewed relative to the Guidelines by the Development Planning Department;

   2.2 Applications that include a Temporary Patio or Retail Space on public land or a combination of private and public land will be reviewed by Real Estate and Properties Department with input from the Transportation Department for any requirements related to sightlines, traffic management, speed signage, or other engineering issues; and
2.3 Applications that include construction (e.g. a deck or other structure) will be reviewed by the Building Department (in addition to the reviews noted in section 2.1 and 2.2).

3. Public consultation requirements are waived for proposals that comply with the Guidelines.

4. Application fees and rent for municipal land (if applicable) are reduced to zero for proposals that comply with the Guidelines. In circumstances where extraordinary costs are created through review or implementation of a proposal, these costs may be allocated to the applicant.

5. For compliant on-site (private) spaces the applicant signs and returns to the District the “Temporary Outdoor Patio or Retail Space Declaration” (Attachment 3) confirming their agreement to comply with the Guidelines.

6. For compliant off-site (public) spaces the Highway Use Permit is created with the Guidelines as an attachment to the Highway Use Permit.

7. An approval email is issued to the applicant outlining the conditions for the operation of the patio and confirming the need for compliance with the Guidelines.

8. For a Temporary Patio or Retail Space that includes the serving of alcohol, the provincial Liquor and Cannabis Regulation Branch (LCRB) is advised that the District of North Vancouver has no objection to the licencing approval of the space, subject to compliance with LCRB requirements.

<table>
<thead>
<tr>
<th>Approval Date:</th>
<th>June 23, 2020</th>
<th>Approved By:</th>
<th>[Signature]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amendment Date:</td>
<td>October 27, 2021</td>
<td>Approved By:</td>
<td>David Stuart, CAO</td>
</tr>
<tr>
<td>2. Amendment Date:</td>
<td>May 22, 2022</td>
<td>Approved By:</td>
<td>Gavin Joyce, acting CAO</td>
</tr>
<tr>
<td>3. Amendment Date:</td>
<td></td>
<td>Approved By:</td>
<td></td>
</tr>
</tbody>
</table>
Guidelines for Temporary Patio and Retail Spaces

Proposals for temporary patios and retail spaces must meet the guidelines noted below. The guidelines are divided into three sections:

1. General guidelines for all temporary patio and retail spaces
2. Guidelines for on-site temporary patio and retail spaces located on private property
3. Guidelines for off-site temporary patio and retail spaces located on municipal sidewalk or road areas

General Guidelines for all Temporary Patios and Retail Spaces:

These guidelines are subject to review and updating until the expiry of the temporary patio and retail space period (March 31, 2023) - they are subject to change. Terms and conditions may be added to business licenses or Highway Use Permits as necessary and compliance enforcement may be undertaken as required.

- Time period for temporary patios and retail spaces is from June 1, 2020 to March 31, 2023.
- Business activities may be conducted between the hours of 8am to 11pm seven days a week however these hours may be reduced subject to unresolved neighbourhood issues such as noise or other matters.
- An adjacent clear path of pedestrian travel of minimum 2.0 m (6.5 ft.) in width must be maintained.
- Safe pedestrian and traffic movements, including emergency vehicle access, must be maintained.
- The patio or retail space must provide a minimum 2.5 m (8.2 ft.) width for patio and/or display area uses.
- Wheelchair access must be provided and maintained to and within any temporary outdoor patio or retail use.
- Businesses are encouraged to prioritize the use of private land before proposing to use public space.
- Use of land located within development permit areas, such as streamside or environmental protection areas and areas that are steeply-sloped, is discouraged.
- Negative impacts on abutting businesses or nearby residential development should be minimized.
- The occupancy of the patio or retail area should be limited as necessary to minimize disturbance where there are nearby residential dwellings and use of the space must comply with Noise Regulation Bylaw 7188.
- Temporary patio and retail spaces shall not encroach upon the frontage of neighbouring establishments, without explicit written consent from the neighbouring property owner and tenant (if applicable).
- The use of speakers, amplified sound systems, or live music is prohibited.
- Food and drink preparation or cooking is not permitted in a temporary patio or retail space.
- Portable standing radiant heaters are permitted where they conform to the safety standards established by the Canadian Standards Association (CSA) and are certified by the Underwriters’ Laboratories of Canada (ULC) where necessary, subject to being located in a clear space a minimum of 1.0 m (3.3 feet) from any combustible material (including trees and landscaping) and subject to inspection by District of North Vancouver Fire and Rescue Services.
- Business names and logos may appear on fencing or barriers, but other banners, signs and advertisements, including third party signage or advertisements are prohibited, with the exception of any signage required under WorkSafeBC Guidelines or similar advisory signage.
- Configuration of temporary patio and retail spaces must consider all existing sidewalk obstructions such as signs, poles, bus stops, fire hydrants, street furniture, street trees and landscaping.
- Temporary patio and retail space installations shall not block access to municipal infrastructure such as fire hydrants, valves, manholes or access to third party utilities such as gas, hydro or telecommunications manholes, kiosks, boxes, etc.
- Any railing, fencing, or other enclosure is to be not less than 0.9 m (3.0 ft.) in height and not more than 1.2 m (3.9 ft.) in height.
- Patio furniture, enclosure railings or barriers, plants etc. shall not block pedestrian or vehicular sightlines or visibility of street signage.
- The lowest portion of an umbrella, canopy or similar overhead device must provide for a minimum clearance of 2.1 m (7ft.) above any walking surface.
- Large tents and canopies are not permitted and any overhead devices must be open on all sides.
- The operator is responsible for maintaining any equipment in a safe and clean condition and in good repair, including keeping the area free of potential dangers such as pooling water and disposing of any debris, whether or not created by the operation of the business.
- The outside edge of a temporary patio or retail space must be set back a minimum of 0.6 m (2.0 ft.) from an adjacent vehicle travel lane or drive aisle where physical separation is provided, or a minimum 1.0 m (3.3 ft.) where no physical separation is provided, with setbacks subject to a site-specific review by the District of North Vancouver Engineering Department.
- Minimum setback from trees, light standards, trash receptacles, newspaper vending kiosks and similar is 0.5 m (20 inches).
• Minimum setback from bus shelters, benches and similar street furniture where the public may be seated is 2.0 m (6.5 feet).

• A minimum 1.5m (5ft.) clearance from fire department connections and fire hydrants must be maintained, and connections and hydrants must remain visible at all times.

• A fire extinguisher (minimum size 2A-10BC for a space of up to 139 m² or 1500 sq. ft.) must be available within 23 m (75 ft.) of any part of the temporary patio or retail space.

• Areas where a liquor licence allows consumption of alcohol must meet all requirements of the Liquor and Cannabis Regulation Branch (LCRB) and compliance is the sole responsibility of the establishment.

• Configuration and operation of patios and retail spaces must be in compliance with the requirements of the Liquor and Cannabis Regulation Branch (if applicable), the recommendations of the local health authority, and the Provincial Health Officer.

• Proponents must demonstrate compliance with WorkSafeBC recommendations regarding layout and operation of the proposed area, including appropriate separation for "non-patron" pedestrians.

• Where the operator of the temporary outdoor patio or retail space fails to conform to these guidelines the District of North Vancouver may order the removal of the temporary outdoor patio or retail space upon 24 hours notice. Should the operator fail to comply with the order the District of North Vancouver reserves the right to take action to remove the patio or retail space and charge the operator any incurred costs.
Guidelines for **On-Site** Temporary Patio and Retail Spaces

In addition to the general guidelines for all temporary patio and retail spaces, the following specific guidelines apply to proposals for **on-site** temporary patio and retail spaces on private property:

- On-site parking may be re-allocated as a temporary patio or retail space, with the exception of the required number of designated accessible handicap parking stalls, which must remain available for parking use.
- Up to 50% of on-site parking stalls associated with the business may be re-allocated to a temporary outdoor patio or retail space, unless otherwise determined by the General Manager of Planning or his designate.
- On-site loading areas may not be re-allocated as a temporary patio or retail space, unless otherwise determined by the General Manager of Planning or his designate.
- Existing private landscaped areas (with the exception of turf) may not be converted to a temporary patio or retail space.
- To maintain a minimum level of safety, curb stop(s) are required for parking spaces fronting onto temporary patio and retail spaces.
- The perimeter of any temporary patio or retail space adjacent to parking spaces or a vehicle drive aisle must be protected with an appropriate temporary barrier or railing to clearly separate patron areas from driving and parking surfaces.
- Existing Zoning Bylaw provisions related to activities on private property will be considered for enforcement on a complaint basis only. Adjustments to the configuration and/or operation of the temporary patio or retail space may be required to assist in addressing complaints.
Guidelines for Off-Site Temporary Patio and Retail Spaces

In addition to the general guidelines for all temporary patio and retail spaces, the following specific guidelines apply to proposals for off-site temporary patio and retail spaces (on road and sidewalk areas):

- A Highway Use Permit is required to accommodate use of public road or sidewalk areas for temporary patio or retail spaces.
- Public parking spaces and sidewalk areas fronting businesses are eligible for reallocation in the creation of temporary patio and retail spaces.
- Existing public landscaped areas may not be converted to temporary patio or retail spaces.
- Removal of accessible parking spaces and loading areas is not permitted.
- Temporary patio and retail spaces will not be created in a designated “no stopping” area.
- Use of public areas occupied by cycle lanes will require assessment on a case by case basis but will generally not be permitted.
- Proposals will be reviewed for impacts on sightlines, driveway access, and other engineering issues.
- Temporary patios and retail spaces must be set back a minimum 3.0 m (9.8 ft.) from stop signs, traffic signals, driveways, laneways, or intersections.
- Where a temporary patio or retail space is within 2.5m (8.2 ft.) of an adjacent roadway, temporary 30 km/hr posted speed signage is required to be installed adjacent to the temporary patio or retail space.
- Due to higher operating speeds and traffic volumes, temporary patio or retail spaces on arterial and higher-travelled roads will require a greater degree of separation between the patio/retail space and adjacent vehicle lane(s). Separation could include “jersey barriers” and signage along the interface of the temporary use area.
- Provision of wheelchair access between the sidewalk and the temporary patio or retail area is required and may need to include the use of temporary ramps.
- Structures requiring a Building Permit cannot be accommodated on public property.
- Temporary patios and retail spaces on public property are required to be enclosed by a barrier, railing, or fence of not less than 0.9 m (3.0 ft.) in height and not more than 1.2 m (3.9 ft.) in height which must be secured without any damage to or drilling into the public right of way including the sidewalk, roadway, or curb.
- The width of any opening used for exit or egress in the perimeter fence or railing, shall be no greater than 2.0m (6.6 ft.) and no less than 1.0m (3.3 ft.) and shall be oriented to open directly along the property frontage and not cause exit of patrons to the frontage of an adjacent business or into a travel lane on a road.
- Landscape elements shall be provided only in easily removable planters.
- Planters may not exceed a height of 1.0 m (3.3 ft.) not including plant material, and the total height of the plants and planters may not exceed 2.0 m (6.6 ft.)
- Planters and plants must not obstruct sightlines or create hazards for vehicle operators or pedestrians.
- All tables, chairs, and other patio furniture must be secured at the end of each business day and shall not be secured to sidewalks, lamp posts, street lights, trees or other public street furniture.
- The District of North Vancouver and all public utility agencies retain the right of access to the temporary outdoor patio or retail space for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc. as necessary.
- In an emergency maintenance/repair situation, the temporary patio or retail space will be removed by others to allow for required maintenance/repair activities.
- In a non-emergency maintenance/repair situation, notice will be provided to the operator to have the elements of the temporary patio or retail space removed to allow for the required maintenance/repair activities.
- Temporary patios and retail spaces are subject to inspection by the Fire Inspector and any requirements of District of North Vancouver Fire and Rescue Services must be incorporated into the configuration and operation of the space.
- Where the operator of the temporary outdoor patio or retail space fails to conform to the terms and conditions of the issued Highway Use Permit, the District of North Vancouver may terminate the Permit and order the removal of the temporary outdoor patio or retail space. Should the operator fail to comply with the order the District of North Vancouver reserves the right to take action to remove the patio or retail space and charge the operator any incurred costs.
## Temporary Patio or Retail Space Questionnaire

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is your Business Licence number?</td>
<td>________________________</td>
<td>If existing, indicate the size and location of current and proposed areas</td>
</tr>
<tr>
<td>Is the proposal to expand an existing space or to create a new space?</td>
<td>☐ Existing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ New</td>
<td></td>
</tr>
<tr>
<td>Is the Outdoor Customer Service Area on private property or public land?</td>
<td>☐ Private</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Public</td>
<td></td>
</tr>
<tr>
<td>What is the intended use of the area?</td>
<td>☐ Patio for pub/restaurant</td>
<td>Provide details if “other”</td>
</tr>
<tr>
<td></td>
<td>☐ Retail display/sales</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Other</td>
<td></td>
</tr>
<tr>
<td>What is the location and size of proposed area?</td>
<td></td>
<td>Provide sketch plan</td>
</tr>
<tr>
<td>Expected duration of use</td>
<td>________________________</td>
<td>Provide “end date”</td>
</tr>
<tr>
<td>What are the intended hours of operation for the outdoor area?</td>
<td>_____ am to _____ pm</td>
<td>Provide details of any daily adjustments to hours</td>
</tr>
<tr>
<td>Are any structures proposed? (e.g. raised decking, stairs, overhead</td>
<td>☐ Yes</td>
<td>If yes, provide details on proposed structures</td>
</tr>
<tr>
<td>structure)</td>
<td>☐ No</td>
<td></td>
</tr>
<tr>
<td>Are any coverings or enclosures proposed? (e.g. canopies, umbrellas,</td>
<td>☐ Yes</td>
<td>If yes, provide details on proposed coverings or enclosures</td>
</tr>
<tr>
<td>curtains or panels for weather protection)</td>
<td>☐ No</td>
<td></td>
</tr>
<tr>
<td>Seating capacity (for restaurant, pub, café etc.)</td>
<td>___ seats</td>
<td></td>
</tr>
<tr>
<td>Will liquor be served?</td>
<td>☐ Yes</td>
<td>If “Yes” indicate LCRB application number and contact name for LCRB</td>
</tr>
<tr>
<td></td>
<td>☐ No</td>
<td></td>
</tr>
<tr>
<td>How will the area be accessed?</td>
<td>☐ From business interior</td>
<td>Include details on sketch plan</td>
</tr>
<tr>
<td></td>
<td>☐ Exterior access</td>
<td></td>
</tr>
<tr>
<td>Will the area will be delineated by fencing, railings, or planters?</td>
<td>☐ Yes</td>
<td>Include details on sketch plan</td>
</tr>
<tr>
<td></td>
<td>☐ No</td>
<td></td>
</tr>
<tr>
<td>Is parking proposed to be re-allocated to create the space?</td>
<td>☐ Yes</td>
<td>If “Yes” indicate how many parking spaces ________</td>
</tr>
<tr>
<td></td>
<td>☐ No</td>
<td></td>
</tr>
<tr>
<td>Has the owner of the property (if different than the applicant) provided written permission for the proposal?</td>
<td>☐ Yes</td>
<td>Include evidence of written permission</td>
</tr>
<tr>
<td></td>
<td>☐ No</td>
<td></td>
</tr>
</tbody>
</table>

Submit completed package, with contact information, to: planning@dnv.org
Declaration Form

Temporary Outdoor Patio or Retail Space Declaration

I, the Applicant, hereby declare that the construction and use of the temporary patio or retail space (the “Application”) as shown in “Attachment A,” will comply with the Temporary Patio and Retail Space Guidelines as applicable, and the Provincial guidelines for physical distancing and all orders issued by the Provincial Health Officer and BC Minister of Public Safety and Solicitor General.

I further declare that:

1. Any tent structures used will comply with Flame Spread rating ULC-S109
2. Any tent structures will remain free-standing from the building, not be attached to the building, or enclose the building entrances/exports
3. The tent structures will be secured by either mechanical fastening or other adequate means, such as weighted bags, to ensure they remain fixed in place and are not detrimentally-affected by weather impacts such as high winds
4. The fastening system(s) will checked daily to ensure they are safe and secure
5. Any curtains or side enclosures will be transparent and limited to not more than 75% of the perimeter of the covered area
6. No extension cords will be used for lighting or other electrical equipment
7. Any heating will be provided only by portable standing radiant heaters which conform to the safety standards established by the Canadian Standards Association (CSA) and are certified by the Underwriters’ Laboratories of Canada (ULC) where necessary, located in a clear space a minimum of 1.0 m (3.3 feet) from any combustible material, not exceed a rating of 40,000 BTU for each heater, and operated in accordance with manufacturer specifications
8. No open flame devices will be used in the patio area
9. Safe exiting from the covered patio will be maintained at all times
10. I acknowledge that the configuration and covering of the patio area are subject to inspection by District of North Vancouver Fire and Rescue Services.

I acknowledge that this Application is temporary in nature until no later than March 31, 2023, unless otherwise extended by the District of North Vancouver, and may be terminated by the District of North Vancouver with 24 hours’ notice (unless emergency access is required, and/or operational and safety concerns are identified in which case no notice is required). Any approval or permission by the District of North Vancouver regarding this Application does not imply authorization or approval of a permanent patio or retail space nor imply approval for matters under Provincial jurisdiction. Currently there are no applicable District of North Vancouver fees or charges for the Application.
By signing this Declaration I confirm that I have authority to bind the Applicant.

_______________________________________________
_______________________________________________

Applicant Business Name (please print full legal name)  Business Licence No.

Name (please print)

_______________________________________________  Phone

_______________________________________________

Email  Date
General Location of Temporary Outdoor Business Area:

General Configuration of area and any covering or enclosure (as applicable):