

## Extended Temporary Private Patio Program Guidelines

At the September 14, 2020 Council Meeting, Council passed a resolution to continue with the Temporary Patio Program for the duration of the Pandemic.

### General Requirements

In alignment with the Public Health Act guidelines. Neighbourhood Pubs, Breweries, Restaurants, Specialty Food Services and Retail users who have an existing valid business licence issued by the City of North Vancouver (the “City”) can apply to continue with an existing patio by following these Extended Temporary Patio Program Guidelines (the “Guidelines”) and signing a declaration form, which will form the agreement between the City and the Applicant regarding the use of the extended temporary patio. **No permit required.**

The term for the extended temporary patio use considered under these Guidelines will expire October 31, 2021 or when the declaration of the pandemic has been removed; however, the City may terminate these permissions upon 24 hours notice.

This license is personal to the Applicant and is non-transferable and does not constitute an interest in land.

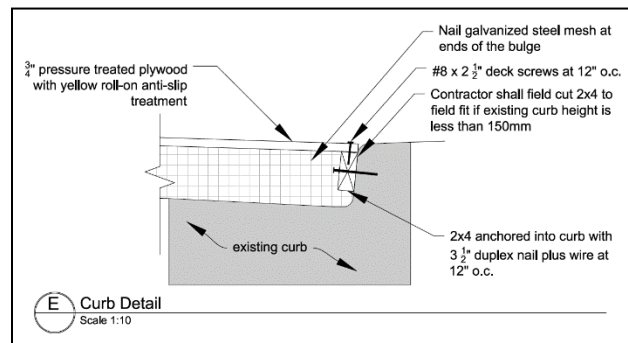
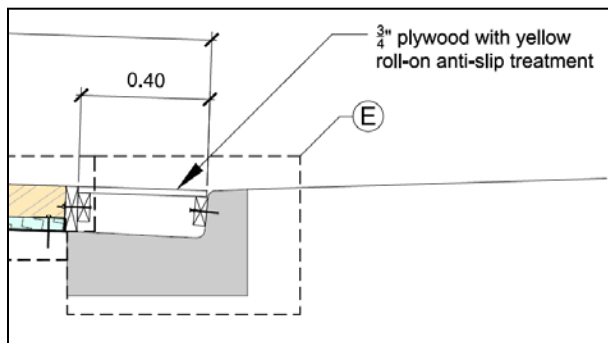
Read the Guidelines below and proceed with signing the declaration form by which you agree to be bound by all of the terms and conditions in these Guidelines.

If a business owner is seeking to construct a patio that does not comply with the following Guidelines or is interested in a more permanent patio please contact the Patio Program Coordinator at [patiprogram@cnv.org](mailto:patiprogram@cnv.org).

### General Requirements

- The Applicant is responsible for obtaining all relevant permissions and meeting provincial liquor licensing and COVID-19 operational requirements including physical distancing and all orders issued by the Provincial Health Officer and Minister of Public Safety and Solicitor General related to the business of the Applicant.
- If the Applicant is a tenant, then the Applicant is responsible for obtaining any permission of its landlord that may be required for the temporary patio area and provide confirmation of such consent in writing to the City.

- Remain in conformance with the zoning bylaw concerning gross floor area. Temporary patios located in a roadway must be located:
  - outside of clearances for unmarked driveways (3m), fire hydrants (5m), crosswalks and intersections (6m); and
  - greater than 50m from a stop sign in the same lane. For locations within 50m from a stop sign, please contact the City to review the location.
- Awnings and umbrellas are permitted if they:
  - do not create a visual obstruction below 2.6m
  - meet Fire Safety requirements (see Fire Safety below)
  - If an awning is within 50m of an intersection, please contact the City to review the location.
- Applicants wishing to winterize existing patio space must send in **detailed drawings and plans** proposed before proceeding with any changes.
  - Include proposed dimensions, layout and materials – curbside patios must not exceed a width of 2.4m from the face of the curb.
  - Identify all utility access points which must be kept clear or designed to be readily accessible by City staff. If damage to a patio is incurred as a result of City forces accessing utilities the City will not be liable for repairs. Reasonable warning of utility access will be provided when possible.
  - If placed in the parking lane have a continuous barrier at the edge of the patio adjacent to the road and maintain 40cm of clearance from the face of the curb to the structure. See detail below:



- Be removable
- Be operable (i.e. can be easily opened and closed as necessary)
- Be in operation only during times of inclement weather; the default position of the weather protection is to be open
- Limit operations to appropriate portions of the year (October - April)
- Be soft-sided (i.e. No wooden, metal, hard plastic or cementitious materials along the façade).

- Be transparent along the structure's vertical planes (to maintain visual connection with the public realm)

### **Hours of Operation**

- Refer to the Provincial Health Order - <https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-pho-order-nightclubs-food-drink.pdf>

### **Noise and Accessibility**

- There must be room to accommodate pedestrian flow on the sidewalk. Not all patio requests may be possible due to physical limitations.
- Wheelchair access must be provided to, and throughout, the temporary patio.
- On-site parking may be used for temporary patio space, except the required number of designated accessible parking stalls, which must remain available for parking use.
- The Applicant for a temporary patio shall mitigate any negative impact on abutting or nearby residential development; including the use of private land before utilizing public space.
- No outdoor speakers or sound systems may be used.

### **Fire Safety**

- Combustible awnings, umbrellas and other materials or decorations must be flame spread rated per the BC Fire Code (CAN/ULC S109). Standards other than CAN/ULC-S109 are not acceptable in BC.
- No cooking or food preparation is permitted outdoors.
- The Applicant must maintain 1 metre of clearance around Fire Alarm annunciator and Fire Department Connection.
- If a heating device is installed it must be installed under permit and incorporate manufacturer's clearances to the building and combustible materials.
- The Applicant must ensure a fire extinguisher is located inside the closest building entrance.
- No storage is permitted in the outdoor dining area, including spare propane tanks.

## Site Clean-up

- The Applicant must maintain at its cost the temporary patio in a neat and tidy condition at all times and is subject to inspection by the City of North Vancouver.
- Upon expiry of the permission to use the temporary patio, the Applicant will remove all works, furniture and improvements from the patio area and leave it in a neat and tidy condition to the satisfaction of the City Engineer.
- Garbage/waste will be recycled or disposed of properly off-site by the operator. Use of City garbage/recycling receptacles is prohibited. Disposal of any liquid waste into adjacent bodies of water or City drains is prohibited.
- Clean-up at the location must be done daily.

## Insurance

The Applicant, at the Applicant's cost, and to the benefit of the City, will obtain and keep in force throughout the term of the use of the temporary patio, or any extension thereof, comprehensive general liability insurance in a form satisfactory to the City. The policy shall contain a cross liability clause and include the City as an additional insured. Such policy will be written on a comprehensive basis of not less than **Five Million Dollars (\$5,000,000)** per occurrence or such other limits as the City may from time to time require. The Applicant must be able to provide the City, on demand, evidence of such insurance coverage in the form of an executed copy of a Certificate of Insurance in a form satisfactory to the City and give the City thirty (30) days written notice, by way of a registered letter, in the event of cancellation, lapse or any material change to the policy. Random inspections may be carried out by City staff confirming insurance coverage. If a suitable Certificate of Insurance cannot be produced to the City within 48 hours, the licensee will be considered in breach and the guidelines and privileges may be immediately revoked.

## Indemnification by Applicant

The Applicant will indemnify and save harmless the City from and against any liabilities, damages, causes of action, actions, claims, suits, judgments, costs, charges and expenses (including lawyers' fees and litigation expenses) whatsoever which the City may incur or suffer or be put to by reason of or in connection with or arising from any breach, violation or non-performance by the Applicant of any obligation hereunder to be observed or performed by the Applicant, any wrongful act or neglect of the Applicant on or about the temporary patio area, any damage to property related to the Applicant's use and occupation of the temporary patio area or the death or injury to any person related to the Applicant's use and occupation of the temporary patio area.

## **Release by Applicant**

In addition to the indemnification provided above, and without limitation, the Applicant agrees that, except where caused by the gross negligence or willful misconduct on the part of the City, and, despite anything else in this agreement, the City will not be liable for, and hereby releases the City from any and all claims, causes of action, damages, demands for damages and other liabilities that may arise from the Applicant's use of the temporary patio area and the City's permission provided for such use, including any cancellation of the permission for the use of the temporary patio area and any consequential losses.

## **Application Process**

1. Review Guidelines
2. Sign and return Declaration to [patioprogram@cnv.org](mailto:patioprogram@cnv.org)
3. Issuance of Certificate once all requirements are met subject to final inspection