

Temporary Outdoor Patios for Food and Beverage Services including Liquor Licensed Areas – Draft Process and Submission Requirements

The Resort Municipality of Whistler has developed a streamlined review and approval process for temporary outdoor patio areas to support existing food and beverage establishments to comply with physical distancing and capacity limitations ordered by the Provincial Health Officer to prevent the spread of COVID-19. Temporary patios will be allowed to operate until October 31, 2020.

General Information

Follow these steps if you are interested in a temporary outdoor patio on public or private land:

1. Talk with the landowner(s) and other affected businesses

If you are a commercial tenant, it is your responsibility to ensure that the landowner consents to your proposal. Also, if there are other businesses on the property that could be affected by your proposal, make sure that they are aware of your proposal.

2. Identify your proposed patio area

Identify where you plan on creating your temporary patio. Create an informal site plan by finding your property using the [GIS Whistler Map](#) and outlining the proposed temporary patio area, with dimensions. A few things to consider as you pick your area:

- Check property lines. For patios encroaching onto municipal/WVLC property, including municipal road right of ways, the operator will need to enter into a patio licence agreement, requiring monthly rent payment and insurance;
- Ensure that pedestrians and vehicles, including emergency vehicles, can still move around safely;
- Patios encroaching into road right of ways and parking areas will require traffic control measures, to be determined in consultation with the RMOW Infrastructure Services Department, on a case by case basis.
- Avoid occupying any universally accessible parking stalls designated for persons with disabilities;
- A minimum number of parking stalls meeting bylaw requirements, must continue to be maintained on private properties;
- Keep a safe distance from utility infrastructure, such as transformer boxes, fire hydrants; and
- Avoid landscaped areas. Removing or destroying required landscaping will trigger a Development Permit Amendment application and bonding to ensure that the landscaping is restored.

3. Decide on whether you plan on serving liquor

Businesses intending to serve alcohol on their patio must also meet [Provincial liquor licensing requirements](#) and obtain provincial approval for a temporary service area expansion. Municipal approval is required prior to provincial approval for all individual requests for liquor primary and manufacturer expansions. Good neighbor agreements will need to be updated to reflect temporary license changes.

4. Consider visibility and signage

Ensure that any new signage is kept to a minimum and is temporary. All signage must comply with Whistler's [Sign Bylaw](#).

5. Guidelines for Temporary Furnishings

This program is for outdoor patio expansions that are temporary only and must be removed by October 31, 2020. All materials and furniture used must be temporary in nature so that they can be removed easily, and the area can be restored to its original condition. The following general requirements and guidelines will apply; other requirements may be applicable as determined in the review process:

- Tables, chairs and other site furnishings should be durable and consistent in scale, colour and detail. Thematic unity of size, shape and materials specific to a given establishment are encouraged.
- Temporary lighting fixtures should be night sky compatible, and located in such a manner as to assure that they do not spill glaring or unwanted light onto adjacent areas.
- The visual impact of temporary utility services shall be minimized.
- Any fencing around your temporary space should be low. Fencing that that you can see through increases visibility.
- Patios shall be equipped with sufficient solid waste receptacles meeting bylaw requirements.
- Patios shall be cleaned each day before, during and immediately after close of business.
- Storage of materials shall be limited to the tables, chairs, umbrellas that are used daily, and these items must be secured when the business is closed.
- The exterior cladding or finishing of temporary facilities may not be plywood, oriented strand board, particle board, artificial stone, or asphalt shingle.
- Tents may be considered, but will increase review processing time.

6. Submit your information to the Planning Department

This process is meant to help you plan out a successful and safe temporary outdoor space. Ensuring that your temporary outdoor patio is safe and functional for you, your customers, and the businesses around you is your responsibility. Once you are ready to go with your plans, please submit your completed application to planning@whistler.ca.

A team of dedicated staff will be reviewing the applications as they come in. Submissions will be batch processed on a weekly basis.

Municipal approval or refusal will be provided in writing to the applicant.

7. Submission Checklist

For all submissions:

- ✓ A completed submission form
- ✓ \$240 application fee (if requiring a temporary use permit, patio license or approval to use village mall statutory right of way)
- ✓ The landowner(s) or strata consent to the proposed patio, and adjacent tenants (if any) have been notified of the proposed patio
- ✓ A photo of the proposed location
- ✓ A plan drawing showing the proposed expanded service area. The drawing may be hand drawn but must be legible and must clearly identify the following details: how the perimeter is defined, dimensions, table and chair layout, patron queuing location, and physical relationship to any existing licensed areas.
- ✓ A description of furnishings
- ✓ For licensed areas - identify the existing service area to be expanded (e.g. Person01, Lounge, Patio2, etc. as shown on your license)



Plus the following addition information for use of municipal/WVLC owned lands:

- ✓ Proof of \$ 5,000,000.00 liability insurance, naming the Resort Municipality of Whistler and/or the Whistler Village Land Co. Ltd. additional insured (required prior to approval)
- ✓ For use within road rights of ways and parking areas - a Traffic Control Plan, requirements to be determined in consultation with the RMOW Infrastructure Services Department, on a case by case basis.

The applicant must prepare and provide all required information at the applicant's expense.

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