

## Temporary Outdoor Patios for Food and Beverage Services including Liquor Licensed Areas – Process and Submission Considerations

The Resort Municipality of Whistler has developed a streamlined review and approval process for temporary outdoor patio areas on public and private lands to support existing food and beverage businesses to comply with orders of the Provincial Health Officer related to COVID-19 that affect existing capacities. Temporary patios will be allowed to operate until October 31, 2021.

### General Information

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

#### 1. Strata approval is required, talk with other affected businesses

Strata approval is required if the temporary outdoor patio is proposed to be located on common property or limited common property of a strata. 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. Monthly rental fees are:
  - \$1.46/sq. ft. of patio area for licenced premises
  - \$0.57/sq. ft. of patio area for unlicenced premises with service
  - \$0.26/sq. ft. of patio area for unlicenced premises with no service
- 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 licencing 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. The Province is not requiring food primary establishments to obtain prior municipal approval, but they do require all applicants to affirm through an online disclosure that they have

met all local government requirements including applicable bylaws and necessary approvals. Food primary establishments are required, by bylaw, to obtain approval from the municipality for a temporary outdoor patio.

#### **4. Guidelines for Temporary Furnishings**

This program is for outdoor patio expansions that are temporary only and must be removed by October 31, 2021. 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.
- No increase in use of non-renewable heat sources is permitted on temporary outdoor patios.
- Tents and other structures may be considered for winter weather protection. Details on proposed location, materials and period of use should be provided.
- Any fencing around your temporary space should be low. Fencing that that you can see through increases visibility.
- Planters are encouraged for colour during summer months.
- 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.
- 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.

#### **5. Signage**

All signage must comply with Whistler's [Sign Bylaw](#).

#### **6. Submit your information to the Planning Department**

Submit your completed application and supporting information to [planning@whistler.ca](mailto:planning@whistler.ca).

Estimated processing time is 7-14 business days.

For private property, municipal approval cannot be given without proof of strata approval. Municipal approval or refusal will be provided in writing to the applicant via the email address provided on the application form.

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



**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way TEL 604 932 5535  
 Whistler, BC Canada V8E 0X5 TF 1 866 932 5535  
 whistler.ca FAX 604 935 8109

# TEMPORARY PATIO APPLICATION

Resort Experience, Planning Department  
 Tel 604-935-8170 (direct) Fax 604-935-8188  
 Email: [planning@whistler.ca](mailto:planning@whistler.ca)

<b>Application Number</b>
<b>TUP</b> _____
Work Order _____
Date Received _____
(OFFICE USE ONLY)

To support Whistler food and liquor serving premises adhere to the COVID-19 physical distancing requirements ordered by the Provincial Health Officer (PHO), this permit authorizes the temporary creation or expansion of patios on municipally-owned or privately-owned land with temporary structures and fixtures until October 31, 2021. Submit your completed Application and Site Plan to [planning@whistler.ca](mailto:planning@whistler.ca). Application approval will be sent to the Applicant email address you enter on this form.

BUSINESS INFORMATION	
Business Legal Name:	
Doing Business As:	
Business Address:	
Business Legal Description:	
Business Licence No:	
Liquor Licence No. and Type:	
APPLICANT DETAILS	
Authorized Applicant Name:	
Contact Phone:	
Email:	
OWNER DETAILS (if different than applicant)	
Owner Name:	
Contact Phone:	
Email:	
APPLICATION FEE (tick appropriate)	
<input type="checkbox"/>	\$240 for approval of a patio on municipal/WVLC property including municipal roads, approval of a patio on a statutory right of way, approval of a patio requiring a temporary use permit* per Part 5, Section 32 of Zoning and Parking Bylaw No. 303, 2015
<input type="checkbox"/>	\$0 for temporary expanded service area in accordance with the Liquor Control and Licensing Regulation
	*In addition, temporary use permit applicants will be invoiced for required newspaper notification at cost.



**PATIO DESIGN SITE PLAN INFORMATION**

Please check off if included in your site plans.

All items should be included unless it does not apply to your specific patio design.

- Submit a site plan with either digital or hand sketched (as best to scale as possible) where the patio space is being proposed, provide dimensions. Suggest using the [GIS Whistler Map](#) with property lines and air photo turned on.
- Identify patio entrance location(s) and patron queuing location, with dimensions.
- Identify locations of applicable existing building and patio entrance(s) and exit(s) as they relate to or are in close proximities to the proposed temporary patio space.
- If serving alcohol, identify the existing service area to be expanded (e.g. Person01, Lounge, Patio2, etc. as shown on your license).
- Identify location of Fire department Connection (FDC) if it is a sprinklered building.
- Include draft seating concept in line with **PHO mandate** (2m apart).
- Provide a description of furnishings and a rough detail (hand sketch is acceptable) of any proposed patio enclosure (design/material).

**PATIO INFORMATION**

Is your temporary patio offering places for take out to sit only or will you have food service?	<input type="checkbox"/> Take out / sit only <input type="checkbox"/> Full food service
Will you be serving alcohol on your temporary patio?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Where is your temporary patio located? (Select all applicable)	<input type="checkbox"/> Municipal/WVLC Land <input type="checkbox"/> Municipal Road <input type="checkbox"/> Private property
Adjacent tenants notified?	<input type="checkbox"/> Yes <input type="checkbox"/> No



LOCATION INFORMATION – Fill out the section that applies to your patio location (tick appropriate)	
<b>RMOW/WVLC LAND, INCLUDING MUNICIPAL ROAD</b>	
Total area of RMOW/WVLC land required (ft2):	
\$ 3,000,000.00 liability insurance, naming the Resort Municipality of Whistler and the Whistler Village Land Co. Ltd. as additional insured.	<input type="checkbox"/> Yes <input type="checkbox"/> No
For use within municipal 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. Traffic Control Plan attached.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PRIVATE LAND</b>	
Total area of private land required (ft2):	
Strata authorization attached.	<input type="checkbox"/> Yes <input type="checkbox"/> No

CAPACITY INFORMATION					
Establishments with a liquor licence will not be permitted to increase or exceed their approved person/patron capacities or occupant loads ( <a href="#">LCRB Policy Directive No. 20-13</a> )					
REGULAR APPROVED OCCUPANCY		CURRENT (REDUCED) OCCUPANCY		TOTAL REDUCED + TEMPORARY	
REGULAR APPROVED SEATS (entire establishment)		REGULAR APPROVED SEATS (entire establishment)		TOTAL REDUCED + TEMPORARY SEATS (entire establishment)	
Indoor:	Outdoor:	Indoor:	Outdoor:	Outdoor:	Outdoor:

ANY FURTHER COMMENTS:



**BUSINESS/LAND OWNER APPROVAL**

I have submitted a site plan with accurate dimensions to the best of my ability to show the extension of my patio space and proposed additional seats.

I \_\_\_\_\_ understand that this is a temporary patio application form to permit a temporary patio space for my business until October 31, 2021 and if approved, it in no way serves as any precedent to support the same patio space in the future. Any permanent patios will have to go through the regular municipal development permit approval process. I acknowledge that I will return the space to its original form on or before October 31, 2021.

\_\_\_\_\_  
*Business Owner Name*

\_\_\_\_\_  
*Electronic signature of Business Owner*

\_\_\_\_\_  
*Date signed*

If applicable

\_\_\_\_\_  
*Land Owner Name*

\_\_\_\_\_  
*Electronic signature of Land Owner*

\_\_\_\_\_  
*Date signed*

**MUNICIPAL APPROVAL**

**FOR OFFICE USE ONLY**

- Temporary use permit
- Outdoor patio licence
- Approval of outdoor patio on statutory right of way
- Temporary expanded service area

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Print name and title: \_\_\_\_\_

Comments/Special Conditions:  
\_\_\_\_\_  
\_\_\_\_\_



## STRATA COMMON PROPERTY REPRESENTATION OF AUTHORITY

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PROPERTY CIVIC ADDRESS

STRATA CORPORATION NO.

The undersigned, on behalf of Strata Corporation No. \_\_\_\_\_ (the “**Strata Corporation**”), in consenting to the application (the “**Application**”) of \_\_\_\_\_, the owner of Strata Lot No. \_\_\_\_\_ for a Temporary Patio Application (the “**Permit**”) to alter the Common Property of Strata Plan No. \_\_\_\_\_, being a Strata Manager (holding a valid license) licensed under the *Real Estate Services Act*, represents to the Resort Municipality of Whistler (the “**RMOW**”) that we are authorized to consent to the Application on behalf of the Strata Corporation and that all appropriate resolutions of the Strata Corporation have been duly passed to authorize the proposed changes or alterations to the Common Property.

In the case where the Strata Corporation is not represented by a licensed Strata Manager the undersigned hereby represent to the RMOW that we are members of the Strata Council duly elected in accordance with the *Strata Property Act*, that we are legally authorized to consent to the Application on behalf of the Strata Corporation and that all appropriate resolutions of the Strata Corporation have been duly passed to authorize the proposed changes or alterations to the Common Property.

In making the above representation, the Strata Corporation acknowledges that the RMOW is relying on our representation in accepting the Application and issuing the Permit and the Strata Corporation releases the RMOW from any and all liabilities if the representation is untrue or inaccurate.

### PLEASE COMPLETE THE FOLLOWING IF STRATA MANAGEMENT COMPANY IS PROVIDING REPRESENTATION OF AUTHORITY:

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STRATA MANAGEMENT COMPANY NAME\* (PLEASE PRINT)

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STRATA MANAGER NAME\* (PLEASE PRINT)

STRATA MANAGER SIGNATURE

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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### PLEASE COMPLETE THE TABLE ON PAGE OVER IF STRATA COUNCIL MEMBERS ARE PROVIDING REPRESENTATION OF AUTHORITY.



## STRATA COMMON PROPERTY REPRESENTATION OF AUTHORITY

Page 2

**PLEASE COMPLETE THE FOLLOWING IF STRATA COUNCIL MEMBERS ARE PROVIDING REPRESENTATION OF AUTHORITY:**

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\_\_\_\_\_  
COUNCIL MEMBER NAME\* (PLEASE PRINT)

STRATA LOT NO: \_\_\_\_\_

\_\_\_\_\_  
COUNCIL MEMBER SIGNATURE

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
COUNCIL MEMBER NAME\* (PLEASE PRINT)

STRATA LOT NO: \_\_\_\_\_

\_\_\_\_\_  
COUNCIL MEMBER SIGNATURE

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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**The Strata Title Act requires that permission from a Strata Corporation be obtained whenever construction affects Common Property. Written approval from the Strata Corporation is required whenever the proposed work involves Common Property or Limited Common Property.**

**"common property"** means

(a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and

(b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located

(i) within a floor, wall or ceiling that forms a boundary

(A) between a strata lot and another strata lot,

(B) between a strata lot and the common property, or

(C) between a strata lot or common property and another parcel of land, or

(ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;

**"limited common property"** means common property designated for the exclusive use of the owners of one or more strata lots;