NEW WESTMINSTER

PATIO GUIDELINES

Sidewalk and on-street seating options for local businesses



New Street and Sidewalk Patio Bylaw

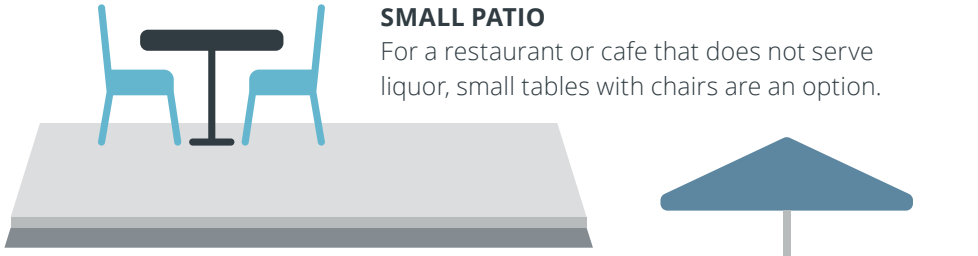
GIVING YOU OPTIONS

The COVID-19 pandemic gave the City an opportunity to try new types of patios in response to business and consumer demand, including on-street patios. As a result, in March 2022, Council approved a new patio bylaw: Street and Sidewalk Patio Bylaw No. 8318, 2022.

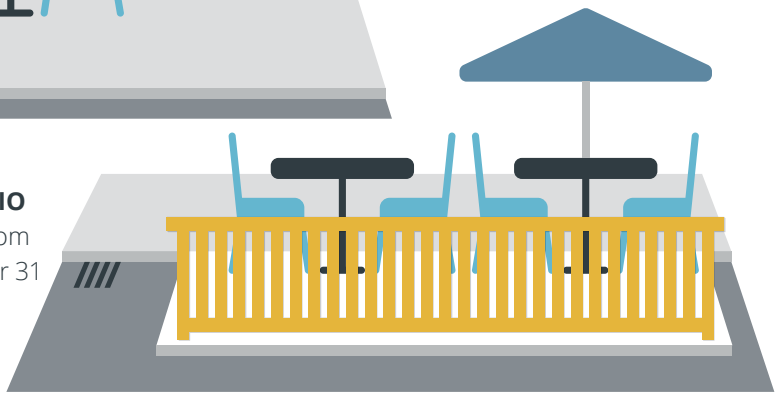


PATIO OPTIONS

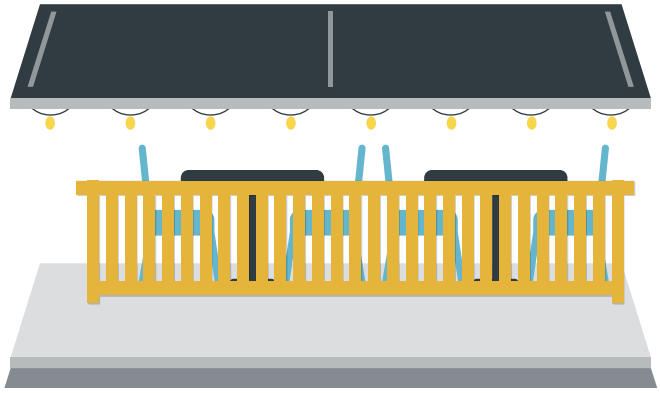
There are three basic types of sidewalk and on-street patios:



SMALL PATIO
For a restaurant or cafe that does not serve liquor, small tables with chairs are an option.



SEASONAL PATIO
May be set up from April 1 to October 31 each year.



YEAR-ROUND PATIO
These patios are left in place all year round.

Businesses and consumers now have options for outdoor seating that enhances neighbourhood ambiance and livability.

FEES

SMALL PATIO

Application fee	**$0**
Annual fee per table with two chairs	**$30**

SEASONAL PATIO

Seasonal application fee	**$50**
Security deposit	**$600**
Encroachment fees based on patio area size	**$15.72/m²** $1.46/ft²

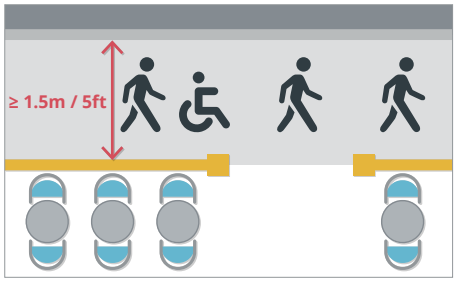
YEAR-ROUND PATIO

Annual application fee	**$50**
Security deposit	**$600**
Encroachment fees based on patio area size	**$26.91/m²** $2.50/ft²

There may be additional fees for traffic signalling installations and you will require insurance (outlined on page 2).

This guide is only for patios that are on City property, such as a sidewalk or street. Patios on private property require a minor development permit and you should contact Planning at:
Call: 604-527-4532
Email: plnpost@newwestcity.ca

SAFETY CONSIDERATIONS



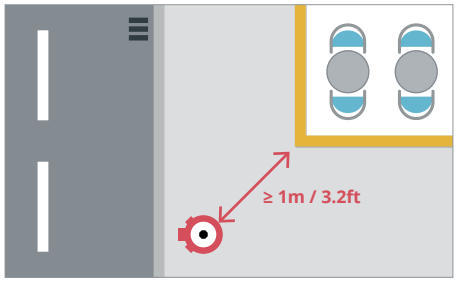
Foot Traffic and Accessibility

Patios cannot obstruct foot traffic on sidewalks and must enable pedestrians and those using mobility devices to easily and safely pass through the space. A minimum of 1.5m (5ft) of clear sidewalk width is required.



Traffic Control Measures

Where patios are on the street, traffic control measures are required. Depending on the situation, barriers of varying types and signage may be required to mitigate risk of passing vehicle traffic. These will be installed by the City at the business's expense.



Emergency Access

Patios and seating must have 1m (3.2ft) of clearance and cannot interfere with access to:

- Public utilities and service connections
- Emergency, service or delivery vehicles
- Fire hydrants, fire connections or other services associated with fire protection



INSURANCE

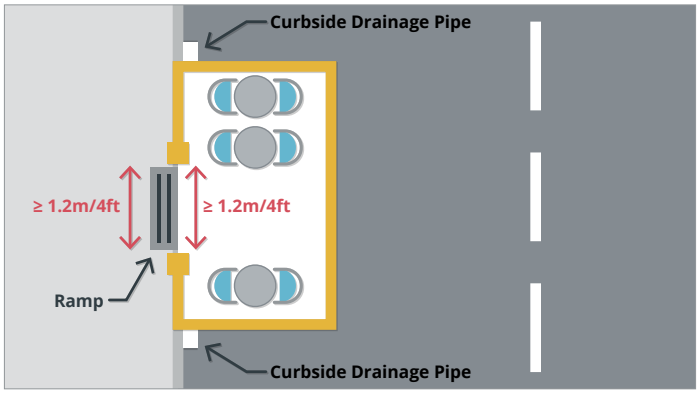
You will be required to provide a certificate of insurance for a minimum of $2 million in comprehensive general liability insurance, with the City added as an additional insured. If you are serving liquor, you will need to provide proof of a minimum of $5 million in host liquor liability insurance.

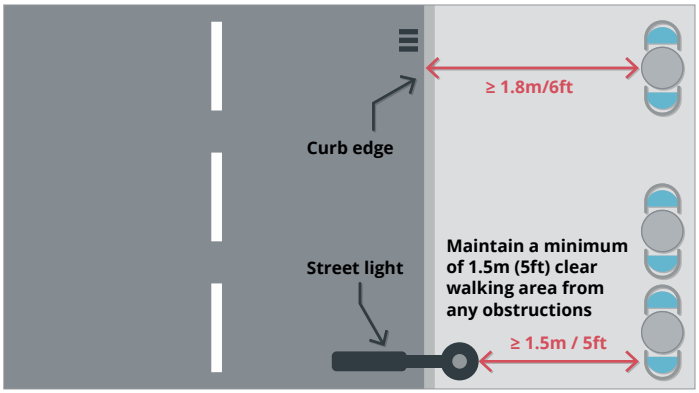
DESIGN GUIDELINES

Accessibility

Year round patios are required to provide a platform or deck that ensures a level entry from the sidewalk. We encourage all businesses to make their patios universally inclusive. In instances where a deck or platform isn't possible in a seasonal patio, a patio must have an accessible ramp from the sidewalk.

Ramps must be hard-surfaced, slip-resistant, at least 1.2m (4ft) wide, and allow for continuous drainage at the curb (e.g. PVC pipe). All exits/entrances must be a minimum of 1.2m (4ft) wide to accommodate wheelchairs, strollers, etc.



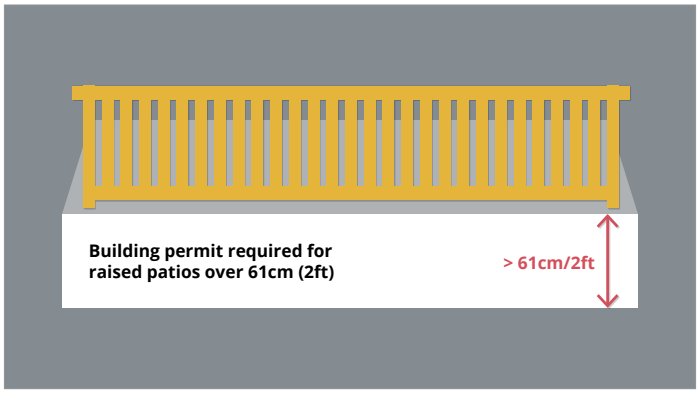


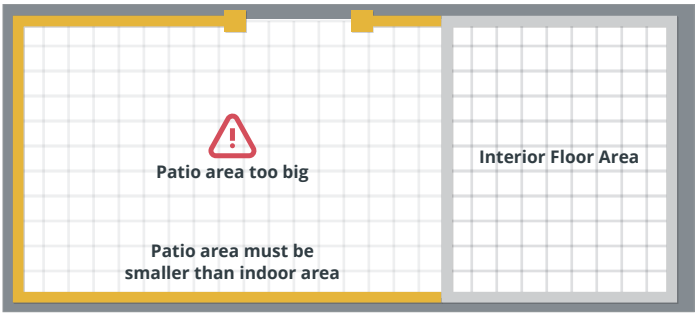
Sidewalk Clearance

To ensure pedestrian traffic can freely move around your patio, you must maintain a minimum of 1.5m (5ft) clear walking area from any obstructions (e.g. street lights, signs, hydrants, etc.) on the sidewalk. Where the patio is on the sidewalk, it should be set back at least 1.8m (6ft) from the face of the street curb. **Where these distances cannot be achieved, please consult with City staff**.

Decks and Platforms

If you wish to construct a deck or platform for a patio, *and* the proposed patio is over 61cm (2ft) in height and has a guard rail or fence, you will need to first apply for and obtain a Building Permit. Contact the Building Department for details. Note that decks or platforms must not obstruct site drainage.

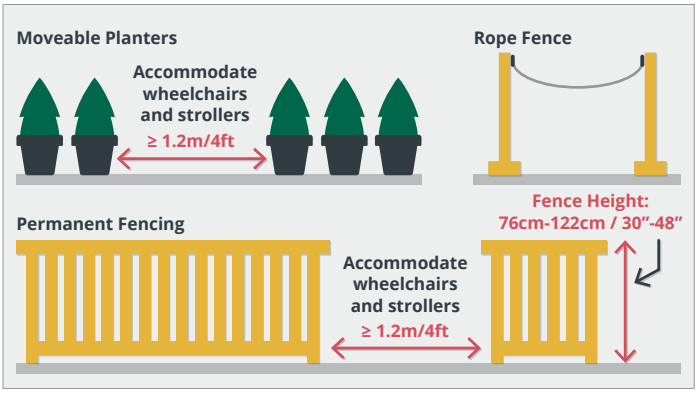




Size of Patio

The area of an outdoor patio may not exceed the interior floor area of your business.

DESIGN GUIDELINES

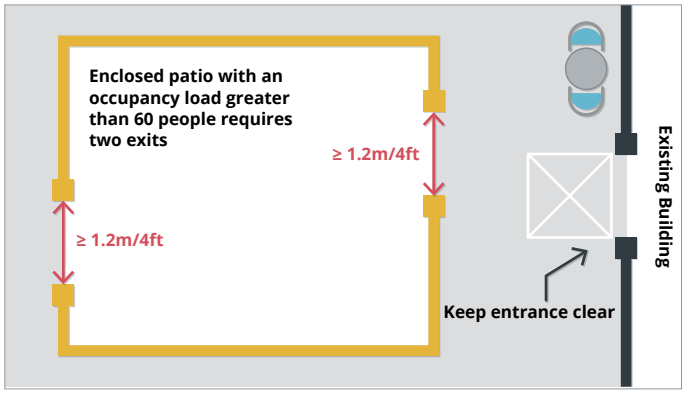


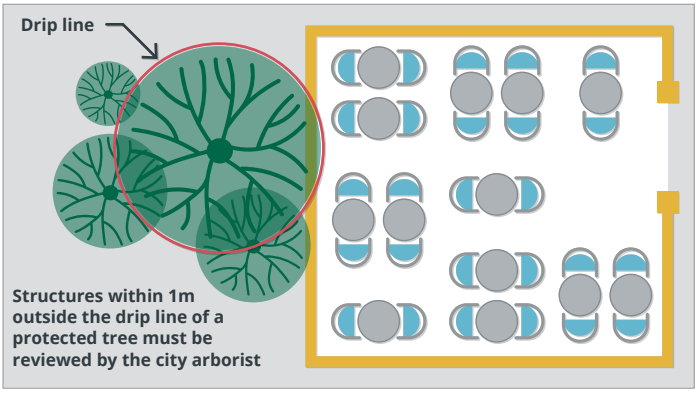
Fences / Delineation

Some form of delineation should be provided to define the area of your patio. For seasonal patios, you can use moveable planters, rope, temporary posts, wooden fencing, etc. For year-round patios, more permanent fencing is required. The height should be between 76cm and 122cm (30" and 48"), and the width must accommodate wheelchairs and strollers. If you are constructing an on-street patio, curbstops and signage may also be necessary; City crews will provide and install these at the business's expense.

Exits

Exits from existing buildings to sidewalks must be maintained and their width must not be reduced. Exits must have a minimum width of 1.2m (4ft) with maximum occupant load of 60 people. In an enclosed patio, an occupancy load greater than 60 people requires that a second exit be provided.





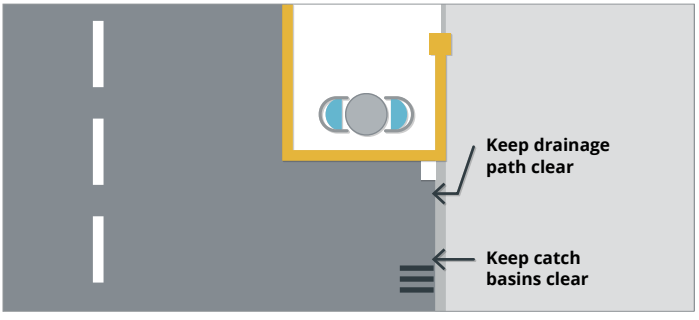
Tree Protection Bylaw

All patios are subject to the Tree Protection Bylaw. This means decks, structures, or platforms planned to be within 1m outside the drip line of a protected tree must be reviewed by the City arborist. The "drip line" is defined as the outermost circumference of a tree canopy.

Landscaping

While not required, adding plants and landscaping to your patio helps create an inviting and colourful space for your guests and improves the streetscape.





Drainage

Catch basins should remain clear at all times. Curb gutters should be clear of any debris, such as leaves. If ramps or decking are installed, the drainage path must be kept clear at all times.

DESIGN GUIDELINES

Heating

- Portable heating devices must be CSA/ULC listed and designed for outdoor use only.
- Propane is a common fuel source for portable heating devices and propane cylinders are not permitted to be stored indoors. If the fuel source is to be removed from the equipment/appliance daily, then it should be stored per the BC Fire Code and CSA B149.2. If the fuel source will remain connected to the equipment/appliance then securing the appliance in an area with good ventilation can be considered.
- Any portable heating devices must be in compliance with the manufacturer's recommendations including clearances to the building and combustible material.
- Applicants 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.
- If you wish to install a permanent, hard-wired heater, it must be installed under a building permit and incorporate manufacturer's clearances to the building and combustible materials. Speak to Building staff about how to proceed.
- Plumbed gas lines or electrical wiring needs to be approved by Technical Safety BC. Staff consultation is required.



Siding

- Siding must be soft-sided (i.e. no wooden, metal, hard plastic, or cementitious materials) along the facade.
- Siding must be transparent along the facades to maintain visual connection with the public realm.

Covering

Portable umbrellas are permitted provided they:

- Meet Fire Safety specifications (such as fabric that complies with CAN/ULC S109 -03).
- Are weighted or secured in a way to ensure stability (sandbags, etc.), but not secured through permanent fixtures to City property and are brought in at the end of business operations each day.
- Do not extend beyond the footprint of the patio area or are located on the roadway.

A building permit is required if:

- The patio occupant load of an enclosed patio is proposed to be more than 30 people and/or exceeds 70sq.m as per BC Building Code.
- A roof/enclosure or affixed awning is proposed.

Lighting

Any hardwired lighting must be approved by Technical Safety BC. Staff consultation is required. Lighting must not be distracting.



OTHER CONSIDERATIONS

Good Neighbour

Outdoor patios can cause disturbances to nearby residents. Staff are required to monitor and manage the patio to ensure patrons are not negatively impacting neighbouring properties. No amplified music or speakers are permitted.

Hours of Operation

A patio may not be operated between: 10pm and 9am for a liquor primary establishment or lounge endorsement area in a commercial area (e.g. a pub), or 11pm and 9am for a lounge endorsement area in an industrial zoning district (e.g. a brewery).

Access to Fire Hydrants and Connections

A clear path from the street and 1m (3ft) clearance around fire protection equipment, including fire hydrants and Fire Department Connections must be maintained. Fire department access and fire lanes must be maintained at all times.

Liquor Service

Liquor service is permitted once you have approval from the Province's Liquor and Cannabis Regulation Branch for your expanded area. Additional consultation may be necessary. Contact the LCRB for more information.

Snow and Ice Removal

Snow and ice removal is the responsibility of the applicant. City of New Westminster bylaws state that snow must be completely cleared from sidewalks by 10am the day following snowfall. This extends to your patio. In our west coast climate, frost is the biggest danger to your customers, so a de-icing product is required. Your patio should be closed to the public if you are not able to ensure its safety.

Cleanliness

Your patio must be kept tidy and free of garbage. Furniture, heaters, and other items must be secured each night. Businesses are expected to dispose of all waste in their own garbage, including items that are left on the patio after hours by non-customers.



HOW TO APPLY

All sidewalk and street patios require approval from the City and a signed Encroachment Agreement to operate. To ensure your application can be processed quickly, make sure you review these guidelines and can provide all of the requested information.

1. Submit your application, site plan drawings, and proof of insurance to the City via email to **patios@newwestcity.ca**

Your application will be reviewed by multiple departments and must include the following:

- Site plan to scale that includes 4.5m (15 ft) on either side of the patio area with street lights, street furniture, poles, and trees. Digital drawings are preferred, however a scanned hand-drawn copy will be accepted, provided it is drawn to scale and includes all required information.
- Your site plan should also include information about your proposed fencing or delineation (dimensions and materials), proposed furnishings, and as many details as you can provide. You can send additional descriptions as an attachment as needed.
- If you're proposing a deck, floor, or other kind of platform that is above 2 ft in height, a structural drawing must be included that meets the requirements of the BC Building Code.
- Proof of insurance showing a minimum of $2 million in comprehensive general liability with the City added as an additional insured. If you are serving liquor, please also show evidence of $5 million in host liquor liability insurance.

2. Work with City staff to complete an Encroachment Agreement, which provides you permission to use the sidewalk or street for the patio.

3. City crews will provide and install any necessary curbstops and/or signage if you are proposing an on-street patio. Businesses are responsible for the cost and maintenance of traffic signage and any fencing, railing and furniture.

4. Final inspection by City staff, which may include staff from Building, Fire, Engineering, and/or Planning divisions.

HAVE SPECIFIC QUESTIONS BEFORE YOU APPLY?

CONTACT:
Building Division: 604-527-4580
Planning Division: 604-527-4532
Liquor and Cannabis Regulation Branch: 866-209-2111

NEW WESTMINSTER

Need help or more information?
Email: patios@newwestcity.ca
Call: 604-527-4536
Visit: newwestcity.ca/patios

Sidewalk and On-Street Patio

APPLICATION FORM

Date: (YY/MM/DD)

APPLICANT DETAILS:

Applicant Name:

Business Name:

Corporate Name: (if different than above)

Address / Location of Patio:

Contact Email:

Contact Phone Number:

PATIO DETAILS:

Type of Patio:

- ○ Small Patio (1 Table + 2 Chairs = 1 Set)
- ○ Seasonal Patio
- ○ Year-Round Patio

Small Patio Option
How many patio sets will be in use?

Liquor Service:

- ○ No Liquor Service
- ○ Liquor Service Food Primary (e.g.: a restaurant with liquor service)
- ○ Liquor Service Liquor Primary or Lounge Endorsement Manufacturer (e.g.: a brewery)

Site Plan:

☐ Attached

Proof of Insurance:

☐ Attached

See '**How to Apply**' for site plan guidelines and insurance coverage requirements.

For Internal Use:

☐ Transportation ☐ Eng Ops ☐ Building ☐ Fire ☐ Licensing / Bylaws ☐ Planning ☐ Public Realm ☐ Arboriculture

SITE PLAN DRAWING TEMPLATE

Draw to scale and include 4.5m (15 ft) on either side of the patio area with street lights, street furniture, poles and trees indicated.