

FREQUENTLY ASKED QUESTIONS: PATIO EXPANSIONS

During these COVID-times, Dr. Bonnie Henry and the Public Health Office have repeatedly stressed the importance of open-air alternatives for all activities. BC restaurants have not been immune to the need to create safe and welcoming outdoor spaces as part of their response to the pandemic.

As we transition to fall and winter, colder temperatures will force more people inside but as case counts rise, restaurant operators are exploring the potential of continuing to capitalize on the relative confidence and space afforded by outdoor dining. This has operators looking at how to meet customers' needs and determining how to meet the needs of various weathers.

The challenges operators around the province include cold, snow and rain. If your business is in an area where it can be clear and cold, you are in the best case scenario for spreading out your winter dining into the outdoors.

Check out the sections below to determine if your business continues to utilize an outdoor space even in our BC climate.

REGULATORY PERMISSIONS

Two levels of licensing permissions are required for restaurants in British Columbia to extend patio areas.

- 1. Provincial approval:** The Liquor Cannabis Regulation Branch (LCRB) determines the footprint of your alcohol service area – commonly known as the “Red Line”. Under **policy directive 20-26**, the LCRB has extended their approval of Temporary Expanded Service Areas (TESA) for patios until October 31, 2021. This extension will allow operators who have already received the MUNICIPAL approval to October 31, 2020 to extend an additional year.
- 2. Municipal approval:** Municipalities regulate where patios can be built, what the licensing and application process is, what the building and space parameters are, what the cost is, as well as the approval time lines for their jurisdictions. Many BC municipalities have been incredibly creative and flexible and have created industry leading permissions that allow operators to take advantage of both public and private space TESA extensions.

HOW DO YOU APPLY FOR A TEMPORARY EXPANDED SERVICE AREA (TESA)?

To apply for a patio extension, or to renew your existing patio extension into the winter months, you must apply first through your local Municipal offices online or in person.

Once you have received your municipal approval, then you can apply through the LCRB for a service area red line extension.

The LCRB has no cost to apply for the extension. However, municipalities may have a fee associated with the application. Many have waived these fees but there is no requirement for this to be a fee-free process.

WHY ARE WINTER PATIOS IMPORTANT FOR WINTER 2020-2021?

These challenging times require that operators maintain more space between guests. Expanded outdoor dining into the winter months will allow operators to maintain much needed physical distance between tables that would not be possible without the additional footprint. Guests have additional confidence dining outside on sunny days even if they have to wear a coat. The extra space that these extensions offer helps operators pivot to face the unknown.

WHAT ARE THE MODELS FOR PATIO EXTENSIONS?

Depending on jurisdictions, options include:

- Expansion into public land: sidewalk or curbside take-overs
- Expansion into private land including plazas, vacant land or strata areas
- Onsite parking area expansions into business owned parking lots/spaces
- Creation of shared public dining spaces: parklets, plaza or street closures

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DO I GET MORE SEATS IF I APPLY FOR A TEMPORARY PATIO EXTENSION?

NO. Most TESA patio extensions do not let operators extend the dining capacity of their existing physical space. That means that if you apply for an extension, you are basically moving chairs from inside to outside. This means that if your venue capacity was 75 before, it will be 75 now. The space that your tables can occupy is simply larger to accommodate physical distancing. The number is fixed as it aligns with your fire code and the number of washroom facilities you are required to provide.

CAN I SERVE OUTSIDE AND KEEP MY BATHROOM CLOSED TO GUESTS?

NO. If you have full service dining in your establishment, you must provide washroom facilities as required by the BC Building Code and your existing licensing.

WHAT ARE CONSIDERATIONS FOR WINTERIZING YOUR EXISTING TEMPORARY PATIO EXPANSION?

Before you consider requesting an approval to extend your patio into the winter months, your business should consider your answers to the following questions:

- Do you have a patio that is adjacent to your business that has access to power for lighting and heating?
- Do you have a way to keep your customers out of the weather? (Consider here how you might be able to secure a tent or awnings.)
- Will your staff be able to service this area in a seamless manner that keeps them warm and ensures that hot beverages and meals arrive hot?
- Do you have tables and chairs that are suitable for use in the winter? For example, metal tables and chairs may be easy to clear but they have a tendency to be really cold for guests.
- Unfinished wood tables and chairs, like picnic tables without a finish, will absorb wetness and be disastrous for guests.
- Do you have glassware and dishes that are suitable for use outside? All your mugs, glassware and dishes need to have insulating properties to ensure your service standards. If you use glass jars as your mugs, these can be a disaster in the cold. They sweat and become wet and slippery. You don't want your guests to spill their

drinks – hot or cold. A mug with a handle is a much better option in this case.

- Do you have a means to keep your guests warm that is not propane heaters? In any situation that involves walls, propane heaters can be problematic due to their creation of carbon monoxide and are banned in some jurisdictions.
- Are you open in daylight hours or also evening hours? Guests will have different requirements of outdoor spaces that are intended to be used in the evening than those with natural daylight.
- Do you need to build anything permanent to winterize your space? Winterizing that requires construction will require additional compliance with BC Building Code and Persons with Disability Regulations. Do not proceed with any construction without consulting the Building and Licensing department of your local jurisdiction.
- Are you willing to have a “take the rest home with you option” if a diner starts outside and decides they aren't as resilient to weather as they thought?
- Do you have insurance that will cover your newly expanded patio area?

IF I GO TO THE EXPENSE OF WINTERIZING MY PATIO, HOW SHOULD I PROMOTE IT?

Everything is about social media and visual cues to guests that your business is COVID-aware. Make it look great, take great photos and push it hard on your social media channels. If you target a business audience, make sure that you promote the investment and changes on LinkedIn.

Remember that guests still expect a positive experience. If they are literally sitting on the street, or under an awning in the rain, think of ways to make the experience welcoming, warm and the food and beverage served at optimal temperature.

ARE YOU READY TO WINTERIZE YOUR PATIO?

Once you have reviewed these questions and fulfilled the permitting requirement from your municipal jurisdiction, we recommend you have a read through our “Winter Patio Innovations and Best Practices Guide” for how to execute flawless service on your new patio.

Getting the most out of your outdoor space can increase revenue, help alleviate a potential second wave, and offer your customers a unique outdoor experience as the temperatures start to drop.