Patio Program Implementation Plan

Implementation of new Bylaw

Once Council has given 3 readings of the new bylaw, the project team can start working on getting the new process up and running. Items include:

1. Setting up the new application type in Tempest (part of the BL section)
2. Training the clerks who will be reviewing initial applications and checking for completeness before accepting it and entering it into the system.
3. Determining which departments will receive referrals.
4. Training Planning staff to review applications.
5. Creating a new webpage for Patio licenses.
6. Discussing the maintenance standards with the bylaw officers.

Recommended fees:

$500 application fee

Sidewalk Café: $4/sqft (annual), $2/sqft (seasonal)

Sidewalk and Roadside Patios: $5.50/sqft (annual), $2.75/sqft (seasonal)

Existing Patio Permits

There are 5 businesses with existing patios. The extension to the temporary program allows the businesses to keep those patios operating until December 31, 2023. Staff are anticipating that the permanent program will be approved and operational by mid-July 2023, allowing plenty of time for the transition process.

Existing Temporary Patio Permit holders will be notified when the new program is operational and will be required to apply for a patio license through the new program if they wish to retain a patio. Temporary patios that do not meet the requirements of the new program will be required to make changes before a new patio license will be granted. If changes are required to the existing patio, the applicant will be required to indicate when those changes will be made. The new license will not be in effect until those changes have been made and inspected by an appropriate District staff person.

New applications:

Proposed Application Process Steps:

1. Information about the process and requirements will be located on the website, including the application form and a sample site plan. Questions will be directed to planning@oakbay.ca.

2. Applicant will provide the following:
   a) Application form
   b) Site plan with dimensions

c) Design drawings
d) Engineered drawings, if necessary
e) Proof of $5 million liability insurance with the District named as an additional insured party
f) Application fee
g) Patio heater details (if heaters are desired)

3. Appropriate staff person (Clerk) will review application for completeness and accept it or provide comments as necessary.

4. Completed application will be entered into Tempest and File Manager (Planner) will be notified.

5. The File Manager will review the application in detail and provide the applicant with feedback on documents or requests for revisions if needed. Appropriate departments will be sent a referral and asked to review the application and provide their comments.

6. The File Manager will review the application and referral comments to ensure application meets SPEP requirements. Any concerns or omissions will be discussed with applicant.

7. Once the application complies with the requirements of the Patio Bylaw, a decision on the application will be made by staff or Council as identified in the bylaw, and the File Manager will calculate the annual rental fee and inform the applicant.

8. The newly constructed patio will be inspected by Municipal Staff once constructed and granted signed off for operational use.

Application Review

Based on established guidelines and the existing process within the Streets and Traffic Bylaw, approval of the patios would be delegated to staff. Planning staff would review the application and provide a recommendation to a designated Engineering staff member who would approve or deny the patio.

Annual Renewal Process

The patio license renewal process would run parallel with the annual business license renewal process. Patio licenses would be renewed for 1 year or 7 months, starting either January 1st or April 1st, depending on whether the applicant is requesting an annual or seasonal license. In December, renewal notices would be sent using the appropriate functions in Tempest, and the applicants would be required to indicate whether they would like to continue to use the patio as per the original license, remove the patio, or apply for an amended license.

If the applicant indicates that they would like to keep the patio as-is, the Clerk will circulate referrals (similar to new license referrals) to appropriate departments to check for any issues or bylaw complaints. The approval authority (Engineering) will determine whether the existing patio license can be renewed. The application for an amended patio license would follow the regular application process. A patio license holder that is removing the patio shall have the area restored to pre-patio conditions by the end of October or December as the case may be.

Complaint Process

Complaints about existing patios will be entered into Tempest as a 'call for service'. The Engineering Department would review the complaint and determine if it can be addressed right away (noise, litter, overhanging umbrella, etc.) or if it should be addressed when the patio license comes up for its annual renewal.

If the issue can be addressed right away, the business owner will be notified and required to address the issue within the appropriate amount of time.