



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** September 20, 2021
From: Katie Ferland **File:** 08-4150-01/2021-Vol 01
 Acting Director, Corporate Business Service Solutions
Re: **Temporary Patio Program Update and Options for Permanent Expansions**



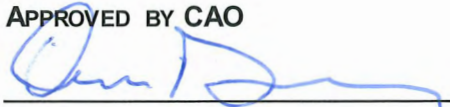
Staff Recommendation

1. That the Expedited Temporary Outdoor Patio (TOP) Program as detailed in the staff report titled "Temporary Patio Program Update and Options for Permanent Expansions" dated September 20, 2021 from the Acting Director, Corporate Business Service Solutions be extended until June 1, 2022; and
2. That staff be directed to explore the development of an ongoing program to allow patios on public property, and to report back.

K. Ferland

Katie Ferland
 Acting Director, Corporate Business Service Solutions
 (604-276-4923)

Att.1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Building Approvals	<input checked="" type="checkbox"/>	 Acting GM, F&CS
Business Licenses	<input checked="" type="checkbox"/>	
Customer Service	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	
Richmond Fire-Rescue	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

The Expedited Temporary Outdoor Patio (TOP) Program was introduced by the City as a pandemic response measure to enable restaurants and other food and beverage service establishments to quickly expand their outdoor seating areas as public health orders restricted indoor seating capacity and impacted businesses' viability. Guidelines were developed to outline health and safety requirements for temporary patios on adjacent public and private property; and all application and permit fees were waived.

The following resolutions were adopted by Council on May 25, 2020 authorizing the program:

1. *That Council endorse a program to facilitate the creation of temporary patios as described in the staff report titled "Expedited Temporary Patios for Restaurants, Cafes and Pubs", dated May 22, 2020, from the General Manager of Community Safety, which would include:*
 - a. *the delegation of authority to the General Manager of Engineering and Public Works to approve and execute temporary license agreements permitting the temporary use and occupation of City owned property including portions of sidewalks and highways for the purposes of operating a temporary patio;*
 - b. *the temporary suspension of enforcement of the minimum on-site vehicle parking requirements specified in City of Richmond Zoning Bylaw No. 8500 to the extent any temporary patio created under the program impacts the ability to meet those requirements until November 1, 2020 or until a Council resolution to cancel; and*
 - c. *the temporary suspension of enforcement of the requirements to obtain a Heritage Alteration Permit within the Steveston Village Heritage Conservation Area to the extent any temporary patio created under the program would otherwise require a Heritage Alteration Permit, until November 1, 2020 or until a Council resolution to cancel.*
2. *That one pre-approval is provided to the Liquor and Cannabis Regulation Branch for all individual requests for temporary patios for liquor primary and manufacturer establishments; and*
3. *That staff provide regular updates on the number of applications and report back to Council at the conclusion of the program.*

Due to the ongoing COVID-19 pandemic, Council subsequently extended the program until October 31, 2021, and expanded the scope to consider applications for temporary coverings or other accessories necessary to operate patios in inclement weather. This report provides a summary of the program outcomes to date, and recommends extending the program until June 1, 2022. Existing municipal approval processes available to businesses wishing to pursue permanent patio expansions on private property are outlined. Finally, direction is sought regarding the development of an ongoing patio program on public property.

Analysis

Temporary Patio Program Overview

Through the Expedited Temporary Outdoor Patio (TOP) Program, businesses were encouraged to apply – at no cost – to expand their seating areas onto adjacent outdoor areas or City property such as on sidewalks or on-street parking spaces. This enabled businesses to quickly adapt while public health orders restricted their indoor capacity and threatened their viability. Other aspects of the program are as follows:

- The Province made amendments to the Liquor Control and Licensing Regulation to allow businesses to temporarily expand their service areas through Temporary Expanded Service Area (TESA) authorizations;
- Adjacent public property, i.e. on-street parking or sidewalk space, was made available to businesses for a nominal fee (\$10) through a license agreement with the City;
- Council approved suspension of enforcement of the requirement for Heritage Alteration Permits for patios in Steveston Village for the duration of the program; and
- Council approved suspension of enforcement of the zoning bylaw requirement for minimum on-site parking spaces on private property for the duration of the program.

The Council approvals for this program and the amendments to the Liquor Control and Licensing Regulation were originally set to expire on October 31, 2020, however both were extended until October 31, 2021 due to the ongoing pandemic. The Province has since extended TESA authorizations again, to June 1, 2022, in order to give businesses the opportunity to make application for permanent patios and corresponding structural changes to their liquor licenses.

The TOP permits that have been issued by the City indicate to businesses that they must remove their temporary patios no later than October 31, 2021 unless otherwise extended or cancelled by the City. Staff recommend extending the TOP Program to June 1, 2022 which is consistent with TESA authorizations.

Program Outcomes

An extensive communications campaign was undertaken to increase awareness of this program in the community. Table 1 below includes program statistics as of the end of August 2021.

Table 1: TOP Program Statistics

Total TOP Permits Issued	64
Total Number of Seats	1,796
Temporary Patios w/ Liquor Service	43 (67%)
Temporary Patios on Public Property	6 (9.5%)

Of the temporary patio permits issued, six were for the use of City owned property, namely sidewalks or on-street parking spaces directly adjacent the business. Five of these are in Steveston Village, four of which include a liquor service component. The one remaining temporary patio on

public property is located on No. 3 Road in the City Center and does not include a liquor service component. A map showing all businesses with a valid TOP permit can be found in Attachment 1.

Throughout the summer, staff conducted outreach to existing permit holders in order to understand the demand for pursuing permanent patio expansions and to provide businesses with information on additional applications, permits, or fees that may apply to a permanent expansion. Below are the results from the poll that was conducted, as well as information related to options for permanent patio expansions.

Business Outreach and Poll Results

Responses were received from 44 of the businesses that were polled, with a summary as follows:

- 64% indicated they are interested in pursuing a permanent patio expansion. 20% do not plan to pursue a permanent expansion and 16% are undecided.
- 66% of all respondents have a liquor service component to their temporary patio. Of those, 58% indicated they plan to apply to the LCRB to make a structural change to their liquor licence in order to increase their capacity limits or amend their seating plan. 28% indicated they would not, and 14% were undecided.

The majority (66%) of respondents indicated they were aware of the additional applications, permits and fees associated with a permanent patio expansion while seven indicated they were not and eight requested to be contacted by the City to discuss their options. Staff are in the process of reaching out to these individuals to advise them of the process.

Options for Permanent Patio Expansions

The TOP Program was intended to allow businesses to expand their service areas to facilitate adherence to physical distancing and other pandemic related public health orders. It was not intended to increase the approved number of patrons permitted in an establishment; any proposed increase to an occupancy load requires additional health and safety related review and approvals.

Most businesses that have been operating temporary patios can pursue a permanent patio expansion within existing municipal processes on a case-by-case basis. An application for a change to a Business Licence and an application for a Building Permit would be required indicating the increased occupancy. This would trigger a review by Building, Fire and Business Licenses for compliance with the BC Building Code, BC Fire Code and other health and safety regulations. Where a structure is involved, a Building Permit, and potentially a Development Permit, would be required. For any patio within the Steveston Village Conservation Area, a Heritage Alteration Permit would also be required. To ensure any permanent patios reflect the heritage character of the Village, special design guidelines would also potentially need to be developed.

Applicants would be required to adhere to all other City regulations and bylaws. Where a variance is requested, i.e. to the minimum parking provisions of the Zoning Bylaw, Council approval would be required through a Development Permit or Development Variance Permit.

Where a liquor service component is included, the business would be required to apply to the BC Liquor and Cannabis Regulation Branch (LCRB) for a structural change to their liquor licence. This would trigger a review by City staff, including a Council approval process.

Patios on Public Property

For those six temporary patios located on City property, i.e. on adjacent sidewalks or on-street parking spaces, a mechanism does not currently exist to consider requests for ongoing patio expansions beyond the TOP Program. Should Council direct staff to explore the development of an ongoing patio program on City property, this would involve developing guidelines for patios, establishing a fee for the ongoing use of public property, reviewing existing bylaws for any required amendments, among other considerations. The standard permit applications described earlier (e.g., Building Permit, Development Permit, and Heritage Alteration Permit if in Steveston Village) would also be required for any patio structure located on public property in order to ensure adherence to health, safety and other regulations.

Pending receiving Council direction, a best practices review and public consultation would also be undertaken to inform a recommendation regarding the development of a new ongoing patio program on public property.

Financial Impact

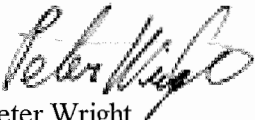
None.

Conclusion

The City's Expedited Temporary Outdoor Patio Program was implemented as a pandemic response measure to support local businesses by allowing them to quickly expand their outdoor seating areas while indoor dining restrictions and other public health orders impeded their viability. The program has been well received with 64 permits issued as of August 2021.

Staff recommend extending the program to June 1, 2022, to coincide with the Provincial Liquor and Cannabis Regulation Branch Temporary Expanded Service Area (TESA) program extension and to provide businesses with time to pursue permanent patio expansions through existing municipal approval processes.

Staff also seek direction to explore the development of an ongoing program that would allow a business to apply to use adjacent public property for constructing a patio, and to report back to Council.



Peter Wright
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(604-247-4682)

Att. 1: Map of Temporary Patio Permits Issued

