



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** October 2, 2020  
**From:** Cecilia Achiam **File:** 08-4150-01/2020-Vol 01  
 General Manager, Community Safety  
**Re:** Report Back on Expedited Temporary Patio Program

### Staff Recommendation

1. That the Council endorsed Expedited Temporary Patio Program, as approved on May 25, 2020, be extended until October 31, 2021; and
2. That the Expedited Temporary Patio Program be expanded to consider applications for temporary coverings or other accessories necessary to operate patios in inclement weather.

Cecilia Achiam  
 General Manager, Community Safety  
 (604-276-4122)

Att.2

| REPORT CONCURRENCE                |                                     |
|-----------------------------------|-------------------------------------|
| <b>ROUTED TO:</b>                 | <b>CONCURRENCE</b>                  |
| Customer Service                  | <input checked="" type="checkbox"/> |
| Building Approvals                | <input checked="" type="checkbox"/> |
| Transportation                    | <input checked="" type="checkbox"/> |
| Richmond Fire-Rescue              | <input checked="" type="checkbox"/> |
| Engineering                       | <input checked="" type="checkbox"/> |
| Development Applications          | <input checked="" type="checkbox"/> |
| Policy Planning                   | <input checked="" type="checkbox"/> |
| Law                               | <input checked="" type="checkbox"/> |
| <b>SENIOR STAFF REPORT REVIEW</b> | <b>INITIALS:</b>                    |
|                                   |                                     |
| <b>APPROVED BY CAO</b>            |                                     |
|                                   |                                     |

## Staff Report

### Origin

Ensuring public health and community safety continues to be the number one priority for the City during the COVID-19 pandemic, and is key to the City's economic recovery. To support this objective, the City has implemented initiatives to re-allocate outdoor areas and create additional space for businesses, residents and visitors.

At its meeting held on May 25, 2020, Council adopted the following resolution to implement an Expedited Temporary Patio Program to enable restaurants, cafes and pubs to expand their outdoor seating areas onto public and private property:

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.*

This report provides an update and recommendations related to the Expedited Temporary Outdoor Patio Program.

### Analysis

The City has implemented various initiatives to encourage the safe use of outdoor space by businesses, residents and visitors in order to help prevent the spread of COVID-19. The

Expedited Temporary Patio Program was established in response to requests from food and liquor retail establishments to create or expand outdoor seating areas. The results of this initiative are outlined below.

#### Temporary Patio Program – Restaurants, Cafes and Pubs

Following an order to close dine-in service by the Provincial Health Officer on March 20, 2020, food and liquor establishments were permitted to re-open for dine-in service on May 15, 2020 but with several restrictions including enhanced cleaning protocols and limits on capacity. While necessary to ensure public safety, these measures severely impacted businesses' viability.

A group of BC hospitality associations led by the BC Restaurant and Food Services Association sent letters to municipalities throughout the province in May requesting increased flexibility for patio types and sizes, expedited permitting, coordination with relevant bodies such as the BC Liquor Distribution Branch, and increased use of public space for dining. On May 25, 2020, Council endorsed an expedited temporary patio program as described below.

#### *Implementation*

Through the Temporary Patio program, businesses were encouraged to apply – at no cost – to expand their seating areas onto adjacent outdoor private or City-owned space. Other aspects of the program are as follows:

- The application process was expedited by staff from Transportation, Building Approvals, Richmond Fire-Rescue, Business Licences and Customer Service such that all applications were reviewed in less than a week, with most issued within two business days;
- The Province made amendments to the Liquor Control and Licensing Regulation to allow for Temporary Expanded Service Area (TESA) authorizations for existing businesses in order to avoid the usual six month approval process;
- 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 bylaw requirement for minimum on site parking spaces for the duration of the program.

The Council approvals required for this program and the amendments to the Liquor Control and Licensing Regulation were set to expire on October 31, 2020. However, the Province recently announced its intention to extend all TESA authorizations until October 31, 2021.

#### *Public Engagement*

The public was notified of the Expedited Temporary Patio Program through the City's online Business Support Centre, a City issued news release, social media posts and via stakeholders on the COVID-19 Community Task Force. Additionally, the following engagement activities were undertaken:

- On May 22, 2020, a virtual town hall was co-hosted by the Richmond Chamber of Commerce, the City's Economic Development Office and Tourism Richmond featuring the BC Restaurant and Food Services Association.
- Outreach was conducted to the Steveston Merchants Association and the BC Asian Restaurant Café Owners Association.
- Information was distributed through the Richmond Chamber of Commerce, Tourism Richmond and City of Richmond Economic Development Office e-news.
- A notice was hand delivered to merchants in Steveston Village encouraging them to apply for a temporary patio permit.
- Staff reached out to existing temporary patio permit holders in mid-September to gather their feedback on the existing and potential future expansion of the program.

A second letter from a group of BC hospitality associations, led by the BC Restaurant and Food Service Associations, dated August 26 (Attachment 2), was received thanking the City for implementing the Expedited Temporary Patio Program. The letter also requested that the City consider expediting applications for businesses to winterize patios, extending the program through summer 2021, and creating designated curbside pick up zones.

The Economic Development Office will continue to solicit input from the business community via the City's COVID-19 Business Support Center, the Economic Advisory Committee, the COVID-19 Community Task Force and key stakeholders including the Richmond Chamber of Commerce and Tourism Richmond in order to learn about the unique challenges being faced due to the current pandemic.

#### *Outcome and Feedback*

In total, the City issued 12 temporary patio permits representing 385 seats (a list of businesses with temporary permits is in Attachment 1). There were also additional patios that expanded in some areas that did not require City approval or permits. The new or expanded patios used space on private land and not City-owned property such as sidewalks with the exception of one business in Steveston Village that used part of a curb extension at First Avenue-Chatham Street for a table and chairs.

Staff reached out to existing permit holders for feedback, and they indicated that the additional outdoor seating capacity provided by the temporary patio expansions were critical in helping their businesses remain viable during the pandemic. All businesses contacted were interested in continuing to use the temporary patio program during periods of mild weather, and three have indicated they would like to add elements such as tents and heating that would allow their temporary patios to be used in the colder and wetter months.

#### *Recommended Next Steps*

It is recommended that the Expedited Temporary Patio Program be extended until October 31, 2021, in order to allow businesses sufficient time to plan ahead for next patio season. This date also aligns with the Provincial approvals related to liquor licences. For those businesses who wish to 'winterize' their temporary patio, it is recommended that the program be expanded to receive applications for temporary coverings or other accessories necessary to operate patios in

inclement weather. While staff expect that the addition of tents, enclosed spaces or heaters will add complexity to the review, and time for the approval process required to determine that adequate safety guidelines are met, there are no additional Council approvals required.

Staff have also assessed the need to create designated curbside pick-up zones to enhance contactless delivery. Because the majority of restaurants in Richmond have access to off-street parking areas, it was determined that this use can be accommodated in these areas. Requests from businesses to designate on-street curbside pick-up and delivery zones will be assessed on a case by case basis.

Installation of a patio in the Steveston Village Heritage Conservation Area (SVHCA) would typically require a Heritage Alteration Permit (HAP). The Expedited Temporary Patio Program, previously endorsed by Council, temporarily suspended enforcement of HAP requirements for temporary patios within the SVHCA. As these patios are temporary in nature, are not to involve modifications to any buildings/structures and are to be removed after a defined time period, staff believe there should be no long-term implications to the heritage character of the area should this approach be extended to October 31, 2021. Any permanent patios would be required to obtain a Council issued HAP.

**Financial Impact**

None.

**Conclusion**

Due to the unique challenges faced by businesses and the community as a result of the ongoing pandemic, the City has considered or implemented various measures to re-allocate outdoor space to provide more room for businesses, residents and visitors to move around safely.

It is recommended that the Expedited Temporary Outdoor Patio Program be extended until October 31, 2021 and be expanded to consider applications for temporary coverings or other accessories necessary to operate patios in inclement weather.



Carli Williams  
Manager, Business Licence and Bylaws  
(604-276-4136)



Katie Ferland  
Manager, Economic Development  
(604-247-4923)

- Att. 1: List of Temporary Patio Permits Issued
- 2: Letter titled "Request for Support for Expanded Patio Permissions"

**List of Temporary Patio Permits Issued**

| <b>Business Name</b>                           | <b>Business Address</b>  | <b># of Seats</b> | <b>Property Type</b> | <b>Liquor License</b> |
|--|--------------------------|-------------------|----------------------|-----------------------|
| Milltown Bar and Grill                         | 9191 Bentley St #101     | 76                | Private              | Yes                   |
| Steveston Built                                | 12480 No 1 Rd #130       | 12                | Private              | Yes                   |
| Fuggles & Warlock                              | 11220 Horseshoe Way #103 | 22                | Private              | Yes                   |
| Shady Island Seafood Bar                       | 3800 Bayview St #112     | 28                | Private              | Yes                   |
| Lulu Island Winery                             | 16880 Westminster Hwy    | 20                | Private              | Yes                   |
| Ichiro Japanese Restaurant                     | 12011 2nd Ave #110       | 12                | Private              | Yes                   |
| Liu Yi Shou Hot Pot Restaurant                 | 4731 Garden City Rd #150 | 18                | Private              | Yes                   |
| Country Meadows Golf Course                    | 8482 No 6 Rd             | 20                | Private              | Yes                   |
| O'Hare's Pub                                   | 5031 Steveston Hwy       | 18                | Private              | Yes                   |
| Pioneer's Pub                                  | 10111 No 3 Rd #200       | 35                | Private              | Yes                   |
| Cadillac Fairview (Richmond Centre Food Court) | 6551 No 3 Rd #1400       | 112               | Private              | No                    |
| Porthole Wine Bar*                             | 12251 No 1 Road #130     | 12                | Private              | Yes                   |

\*business subsequently closed indefinitely due to COVID-19



August 26, 2020

VIA EMAIL

Your Worship and Council:

***REQUEST FOR SUPPORT FOR EXPANDED PATIO PERMISSIONS***

On behalf of the BC Restaurant and Foodservices Association, the Alliance of Beverage Licensees, and the BC Craft Brewers Guild, we are writing to thank you for expanding outdoor dining in your municipality and to request that you consider:

1. Expediting applications for businesses to winterize patios in public and private spaces to provide operators with the opportunity to capitalize on the confidence of outdoor space
2. Approving temporary patios for Summer 2021 now so operators are able to plan ahead; and
3. Creating a program for designated pick up zones so that businesses can enhance contactless curbside pick up in the fall and winter months.

Outside dining has been a significant benefit to operators and customers. It has helped build confidence in dining out and activated streets in new ways that have helped keep patrons and employees safe amid this global pandemic. We hope that we can work with you to build on this positive messaging going forward.

**The financial pressures felt by British Columbia's hospitality industry as a result of the COVID-19 pandemic continue to be substantial.**

British Columbia's 14,000 restaurants and pubs employ over 190,000 people and contribute \$13 billion dollars to the economy annually. Our craft beer and wine industries also play significant roles in the vibrancy, innovation, and economic impact of our industry and the province. At this point in the crisis, 15% of hospitality businesses have already closed. With the end of summer approaching combined with the end of temporary layoff and CERB as well as the extended closure of the border, the potential for additional businesses closing is significant.

The COVID-19 crisis has driven devastating declines in both sales and guest-count in the hospitality industry.

- 51% of British Columbians surveyed by Leger Marketing at the end of July felt that just leaving the house was stressful. 64% remain afraid of contacting the virus.

BC Restaurant and Foodservices Association 600-890 West Pender Street, Vancouver, BC, V6C 1J9

- Datassential survey of August 7 reports that the number of people concerned about eating out is rising: 47% are definitely avoiding eating out and 34% are nervous but will still eat out.

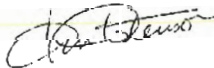
In face of real threats of business closures across the province, we ask you to consider extending your permissive licensing for restaurant, pub, bar, and brewery businesses around outdoor spaces. Extensions of the incredible support and creativity you have already offered would make a significant difference to the hospitality businesses that operate and employ people in your community:

- Extend approvals for short-term patios in public and private spaces to provide operators with the opportunity to capitalize on the confidence of outdoor space and expand the businesses ability to create physical distancing between tables.
- Support expedited applications for businesses to winterize temporary spaces, including by preapproving styles of canopies and heater units that meet your jurisdictions needs.
- Renew the extended patio program for 2021 now. This will ensure that operators plan to keep materials and generates cost savings.
- Create a program for businesses to apply for curbside pick up zones. We suggest that these include standardized signage that lists the businesses using the pick up stop and phone number for curbside pick up.
- Ensure coordinated communication and reduced red tape to make these changes possible.
- Support expanded permissions in discussions with the Provincial Government.
- Practice Sympathetic Administration and set new ways of doing streamlined business.

Our industry has never faced a crisis of this magnitude. It is our sincere hope that we can work with your council to find material and hard-hitting measures to ensure this industry survives. It will require bold and quick moves to help industry restore itself. We are working with the LCLB to extend their liquor service regulations in conjunction with this request.

Thank you in advance. We remain at your disposal to offer advice and perspective on these issues. Please do not hesitate to contact the undersigned at any time.

Sincerely,



Ian Tostenson, President and CEO cell: 604.986.1429  
British Columbia Restaurant and Foodservices Association



Jeff Guignard, Executive Director cell: 604-499-2566  
Alliance of Beverage Licensees



Ken Beattie, Executive Director cell: 604.306.1500  
BC Craft Brewers Guild