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Date: 2/11/2021 1:41:36 PM
Subject: Memo - Update on the Temporary Expedited Patio Program in 2020 and 2021
Attachments: Memo - Update on the Temporary Expedited Patio Program in 2020 and 2021.pdf

Dear Mayor and Council,

Please see the attached memo from Lon LaClaire for an update on the Temporary Expedited Patio Program for 2020 and 2021. A short summary of the memo is as follows:

- The Temporary Expedited Patio Program was successful in supporting the restaurant industry in 2020, enabling more than 400 patio permits through a simplified application process and extensive staff work;
- Challenges have been flagged regarding patio compliance with health and safety standards, and we continue to work on these issues with applicants;
- For 2021, the Temporary Expedited Patio Program will open for applications in a two-phased process:
 - a pre-launch period starting February 16 to expedite permits for winter patios compliant with health and safety standards, and
 - a March 1 public launch for all patio applicants.
- Public communications will launch February 17 to encourage applicants to apply early for their permits.

If you have any questions, please feel free to contact Lon LaClaire at 604-873-7336 or lon.laclaire@vancouver.ca.

Best,
Paul

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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməŋəm (Musqueam), ləwúmesh (Squamish), and səilwətał (Tseil-Waututh) Nations.

MEMORANDUM

February 11, 2021

TO: Mayor and Council

CC: Paul Mochrie, Acting City Manager
Karen Levitt, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Director, Civic Engagement and Communications
Rosemary Hagiwara, Acting City Clerk
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Jessie Adcock, General Manager, Development, Buildings and Licensing
Gil Kelley, General Manager, Planning, Urban Design and Sustainability

FROM: Lon LaClaire
General Manager, Engineering Services

SUBJECT: Update on the Temporary Expedited Patio Program in 2020 and 2021

With spring approaching, staff have compiled the following memo to:

- report back on the 2020 Temporary Expedited Patio Program, as requested by the September 16 motion titled "Extending Pop Up Patios this Fall and Winter and Making Pop-Up Patios a Part of Every Summer in Vancouver";
- keep Council informed about the 2021 Temporary Expedited Patio Program; and,
- look ahead to development of an annual summer pop up patio program for 2022.

Review of the 2020 Temporary Expedited Patio Program

The Temporary Expedited Patio Program (TEPP) launched on June 1, 2020 to directly support Vancouver's restaurant industry owing to the COVID-19 pandemic, and the general community by providing more options to dine safely. The program was one of a series of efforts launched by the City to support businesses, protect jobs and create a more vibrant and enjoyable streetscape.

TEPP received significant positive reviews by the food service industry, BIAs and public, and saw 415 patio permits (336 on public property and 76 on private property) issued through a coordinated expedited process. Feedback from the industry has indicated that the program has

played a critical role in economic recovery. On public property, curbside patios (which use parking space on streets) made up the majority of patios (269) with the remainder located on sidewalks (67). Patios support vibrant, pedestrian-oriented streets, while providing expanded opportunities for restaurants, food service, bars and distilleries to serve their customers; in some commercial areas, the number of participating businesses changed the character of the street to a patio-lined street.

Thanks to both development of simplified patio typologies, by-law changes and Provincial liquor relaxations TEPP was successful in reducing the typical requirements on business operators to apply for an expedited permit. This resulted in patio applications being processed within two business days for public property and five business days for private property.

TEPP Summer Application Process

Through the TEPP process patio operators often submitted their own design drawings, a role typically required by architects or design professionals. While this helped businesses to expedite their application request, the quality of submissions was not at the level of professional drawings and resulted in many staff engaging in extensive work to clarify or gather information.

An audit of the summer patios also highlighted that many of the patio operators did not build their patios to the drawing specifications, resulting in some patios having health and safety issues. The majority of compliance issues fell into three categories:

- **On-street (curbside) patios built larger than approved**, which took over too much sidewalk space or street space. On sidewalks, this reduced space to maintain accessibility standards, and for pedestrians to physically distance. On streets, this impacted adjacent vehicle traffic or clearances required from driveways, lanes or streets.
- **Additional structures or enclosures** that eliminated the open air benefit of outdoor patios, and impacted on-street operations such as construction activities, street cleaning, sight lines for vehicles and more.
- **Blocking access to critical utilities** such as fire department connections.

Winter Patio Extensions

In September 2020 Council voted to extend the patio program through the winter (October 31 to March 31). For patios on private property, all patios were automatically extended to October 31, 2021. For patios on public property, staff retooled its processes for the winter season and within a few days of launching received a large batch of patio operators, approximately half, applying to extend their patio.

Utilization, as perhaps one would expect, of winter outdoor patios in Vancouver was less compared to summer. For public property patios, as of February 4, 2021, 170 curbside patios and 45 sidewalk patios applied for extension, and on private property, 10 new applications were received. Further engagement with businesses on winter utilization is planned, as we've heard from some operators that while they extended their permit, they elected to store the patio on-street only.

While staff continue to receive and process winter applications, processing applications were more challenging as staff had to work with businesses to address the health, safety and program compliance issues found in the summer audit. Businesses working with staff on addressing these issues should allow extra time for processing when extending for summer 2021. Working with the restaurant industry and ensuring strong compliance to safety measures are key for both expedited applications and long-term program goals.

Temporary Expedited Patio Program for Summer 2021

Staff are looking forward to continuing business support for this summer season (March 31 to October 31, 2021). For TEPP this summer will have three general streams of applications:

- Patio operators wanting to extend their patio from winter to summer
- Patio operators wanting to renew their patio from last summer
- New requests

Thus far, 82 patios on private property have already had their permits extended through October 31, 2021 – approximately 20% of the 2020 TEPP permits, and no further action is required on the part of operators. For patios on public property, the summer permit term begins on April 1, 2021, and staff have worked to open the summer patio application intake on February 16 to accommodate the expected interest. Starting February 17, a communications campaign will publicly promote early applications into the program.

A two-phase approach is planned for public property patio permit applications, to ensure a timely approval for the majority of applicants starting in February. The schedule is as follows:

- **Phase 1: Pre-launch application period (Mid-February)**
Pre-launch includes extensions for winter program applicants whose patios comply with safety regulations. Staff will invite patio operators to apply early to help expedite these applications (~100 applicants).
- **Phase 2: Public-facing launch – no later than March 1 to end of summer**
Public launch will begin March 1 and is open to all. Staff anticipate over 300 applicants from the groups below:
 - Applicants from the winter and summer program whose patios **do not** comply with safety regulations, and
 - New patio requests.

Applications are expected to arrive in large batches, and staff will endeavour to process and issue new TEPP permits compliant with the program within 10 business days. However, applications found to be in non-compliance will require additional review and adjustments by the businesses to ensure they comply with basic health, safety and program requirements before a permit can be issued. Safety is paramount to both a strong patio program and creating a lively and accessible public realm.

Staff are engaging in a communications campaign that will be shared with restaurant industry and stakeholders to encourage all applicants and businesses to apply early so their permits can

be issued in a timely fashion. More information can also be found at vancouver.ca/temporarypatio.

Look ahead to Annual Summer Pop-Up Patios Program

As directed by Council, staff will report back in summer 2021 on how to build on existing patio programs to enable an annual pop up summer patio program.

As we look forward to 2022, confirming Provincial regulations and by-laws will help in determining application requirements, permit conditions and service levels. These will be discussed and explored more in the full report back to Council later this summer upon concluding a full cycle of applications, with an eye to implementing changes for the 2022 summer patio season.

If you have any questions, please feel free to contact me directly.



Lon LaClaire, M.Eng., P.Eng.
General Manager, Engineering Services

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