

From: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

To: ["Direct to Mayor and Council - DL"](#)

CC: ["City Manager's Correspondence Group - DL"](#)

["LaClaire, Lon" <lon.laclaire@vancouver.ca>](mailto:lon.laclaire@vancouver.ca)

Date: 11/17/2020 4:41:47 PM

Subject: Memo - Temporary Expedited Patio Program – unpermitted structures and by-law compliance for patios on street rights-of-way

Attachments: Memo - Temporary Expedited Patio Program – unpermitted structures and by-law compliance for patios on street rights-of-way.pdf

Dear Mayor and Council,

Please see the attached memo from Lon LaClaire. A short summary of the memo is as follows:

- ☐ Temporary Patios are being modified to include overhead structures which are beyond the guidelines of the TEPP program. Introducing structures on street right-of-way can present significant risks and considerations around public safety.
- ☐ Staff are engaging with businesses to ensure an understanding of some of the concerns and create an understanding of the guidelines and work towards compliance.
- ☐ Beyond engagement, staff are limited to impoundment and fines levied through court processes.
- ☐ Allowing ticketing as an intermediary enforcement tool will allow for improved compliance prior to taking any escalated enforcement measures.
- ☐ Staff are exploring design considerations for structures on roadways. This work will continue into 2021 with input being sought from the BIA³ and business community.

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

Best,
Sadhu

Sadhu Aufochs Johnston | City Manager
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Pronouns: he, him, his



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

MEMORANDUM

November 17, 2020

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Karen Levitt, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Civic Engagement and Communications Director
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

FROM: Lon LaClaire
General Manager, Engineering Services

SUBJECT: Temporary Expedited Patio Program – unpermitted structures and by-law compliance for patios on street rights-of-way

The purpose of this memo is to provide additional information about the approach for addressing unpermitted structures and compliance for patios on street rights-of-way, further to the email to Mayor and Council on Oct 11, 2020.

On October 7, 2020, Council voted to extend the Temporary Expedited Patio Program (TEPP); soon after staff published guidelines for winterization as well as an online application form for those wishing to extend their patios on street rights-of-way through the winter months. The guidelines for TEPP winterization provide options for weather protection that can be accommodated within the current expedited process. To date there have been over 170 applications to continue patio operations through the winter period and staff resources are focused on supporting those permit extensions.

Structures in Street Rights-of-Way

As was shared in the October 11 email, a number of curbside patios installed as part of the TEPP program have been modified to include overhead structures. Introducing structures within the street right-of-way presents significant risks and considerations around public safety,

structural and other regulatory requirements; as a result they require review by staff across City departments. Structures are likely emerging in an interest to create weather protected spaces.

Winterization that includes structures, tents, weather protection, and enclosures for patios located within street rights-of-way are not currently approved within our TEPP program for use on City streets.

Temporary structures on the street right-of-way, must be designed to ensure safety and accessibility for all modes and users, and address regulatory and operational needs. Structures considered for on-street use must be reviewed by multiple City departments for regulatory and by-law compliance where the building, fire, and other by-laws may need to be considered. Operational considerations must also be factored into the review as our rights-of-way are utilized by many business and community partners. Utility, construction work, events and programming, each may require the removal and reinstatement of patios and structures which can impact City and business operations. Given the design and operational considerations and complexities, implementing structures on-street is not compatible with the current expedited process within the TEPP program.

Compliance Approach

In light of the heightened safety risks associated with patio operations within the street rights-of-way during the winter months, staff are developing a program to ensure greater program compliance. Where non-compliance issues arise, staff will work primarily to educate the permit holder and BIAs on the requirements and address any questions or concerns.

Engagement is focused on education and highlighting and addressing safety and operational risks. Where engagement and education are unsuccessful, staff can look to progressive enforcement measures. Currently, tools available to staff are limited to impoundment and court-issued fines which are both resource intensive and impactful to businesses.

To support compliance efforts, staff are seeking amendments to the Ticket Offences By-law to allow for ticketing as an intermediary enforcement mechanism where continued non-compliance remains. This will allow for improved compliance prior to taking any escalated enforcement measures, which better aligns with processes undertaken by the City. A report is scheduled to be brought forward to Council in November 2020.

Ongoing Engagement and Report Back to Council in 2021

Exploring design considerations for structures and other aspects of the patio program will continue over the coming months and staff look forward to engaging with key stakeholders in 2021. Staff will be reporting back to Council in 2021 with updates on the TEPP program, directions around structures on street rights-of-way and on closed streets. The Engineering staff team will continue to work with the business community and will seek to address any concerns primarily through education to ensure compliance within our existing permits and programs.

Should you have questions regarding on-street structures, the TEPP program, or the related education and compliance program, please feel free to contact me directly.

A handwritten signature in blue ink, appearing to read 'Lon LaClaire', with a stylized flourish at the end.

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

604.873.7336 | lon.laclaire@vancouver.ca