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

Date: 3/7/2022 6:05:02 PM

Subject: Update: summer patio program

Attachments: ENG - Council Memo - Summer Pa~awing Requirements - RTS 14718.pdf

Good afternoon Mayor and Council,

In response to the concerns that we have heard in recent days regarding the process for businesses to obtain patio permits for this summer, the attached memo from Margaret Wittgens provides an update on our work to address those issues and some additional clarification. A short summary of the memo is as follows:

- The Summer Patio Program opened for applications on March 2nd, supported by a program website and Patio Program Info guide.
- Staff has heard concerns from industry stakeholders and media regarding permit fees, drawing standards and program approach.
- There has been a misinterpretation of the drawing requirements for the program, and staff are issuing updated information to industry to clarify that drawings do not need to be done by a professional, nor stamped by an architect or engineer.
- Fees for the Summer Patio Program are consistent with other City permits and will cover the costs of administering the program. Those fees were waived for two years (during the TEPP program) and administration costs were paid through general tax revenue.
- Staff are committed to working with industry and businesses for the Summer Patio Program in the same collaborative, solutions-oriented spirit as the last two years of TEPP.
- Today, staff received an additional inquiry from an industry representative on whether requirements for internal drawings can be eliminated for restaurants who wish to stay within their existing occupancy. This request is being reviewed on an expedited basis and updated information will be issued to industry and Council as soon as possible.

If you have any questions, please feel free to contact Margaret Wittgens at 604-673-8227 or margaret.wittgens@vancouver.ca.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x^wməθk^wəyəm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətaʔ (Tsleil-Waututh) Nations.

MEMORANDUM

March 7, 2022

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Chief Communications Officer, CEC
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office

FROM: Margaret Wittgens
Deputy General Manager, Strategy and Planning, Engineering Services

SUBJECT: Summer Patio Program: Clarification on Fees and Drawing Requirements

RTS #: 14718

As you will be aware, the Summer Patio Program launched last week, with an invitation to approximately 700 businesses who had previously had Temporary Expedited Patio Program (TEPP) permits to apply for a summer patio permit. Staff have been receiving feedback from the restaurant and hospitality industry regarding the Summer Patio Program, expressing concern with the fees, timelines and the requirements for scaled and dimensioned drawings. Media are covering the industry's concerns and have asked staff for comment as well.

The purpose of this memo is to outline the City's key messages for your awareness and provide clarification on the fees and drawing requirements.

Primary messages:

- The City is committed to making patios a part of every summer in Vancouver and we're working with businesses to rebuild through the COVID-19 pandemic by supporting safe and accessible patio spaces.
- We're hearing concerns from industry regarding fees, standards and approach.
- The City understands that 2022 may be the first year that some businesses will be required to pay a permit fee or submit scaled dimensioned drawings for their patio, and that this may be frustrating for many.

- There has been a misinterpretation of the drawing requirements for the Summer Patio program, and staff are working to issue updated information to the industry to clarify that drawings do not need to be done by a professional, nor stamped by an architect or engineer.
- Today, staff received an additional inquiry from an industry representative on whether requirements for internal drawings can be eliminated for restaurants who wish to stay within their existing occupancy. This is being reviewed and updated information will be issued to industry and Council as soon as possible.
- Staff are committed to continuing to work with industry and individual businesses through this process in the same spirit as the last two years of the program: to listen, collaborate and find solutions.

Supporting messages:

- At the height of the COVID-19 pandemic, the City created the Temporary Expedited Patio Program (TEPP), which offered businesses free temporary patio permits to help them quickly adjust to health restrictions and offer safe outdoor dining options.
- TEPP was incredibly successful, but temporary and made possible by unique circumstance such as the restrictions on indoor dining. This new permanent summer program is the result of Council direction in September 2021 to phase out TEPP by October 31, 2021 and put in place a permanent summer patio program.
- The new Summer Patio Program is permanent, solidifying our intention to have patios be a part of every summer in Vancouver and the fees support formalized requirements to ensure all Vancouverites can safely access and enjoy these spaces.
- For safety and accessibility, each restaurant has a maximum number of people permitted within their establishment, i.e. a maximum occupant load. Due to the restrictions on indoor dining during TEPP, businesses had plenty of occupant capacity to use on their patios. For this year's Summer Patio Program, without restrictions on indoor dining, the max occupant load needs to be assessed for (fire) safety and accessibility. To do this, we must have scaled and dimensioned drawings of the interior and exterior.
- Scaled dimensioned drawings are a key component in ensuring accessibility is achieved in both the patios and the overall public realm, a key need identified by Council in September 2021. These drawings are to ensure dimensions and clearance minimums for accessibility and safety needs, but they do not require a professional seal.
- The fees are consistent with other City permits and are intended to cover the costs of administering the program. Those fees were waived for two years under TEPP and the administration costs were paid through general tax revenue.
- Staff are committed to work closely with businesses to ensure that they are set up for success, understand all safety requirements and if needed, and will work collaboratively with businesses to resolve compliance issues.
- Establishments that have received a Temporary Expanded Service Area (TESA) authorization by the Province, which allows alcohol service to be extended to an outdoor space, can continue to serve alcohol on their patio for the duration of TESA, ensuring they comply with all terms and conditions of the permit, including occupancy requirements.

Drawings Requirement

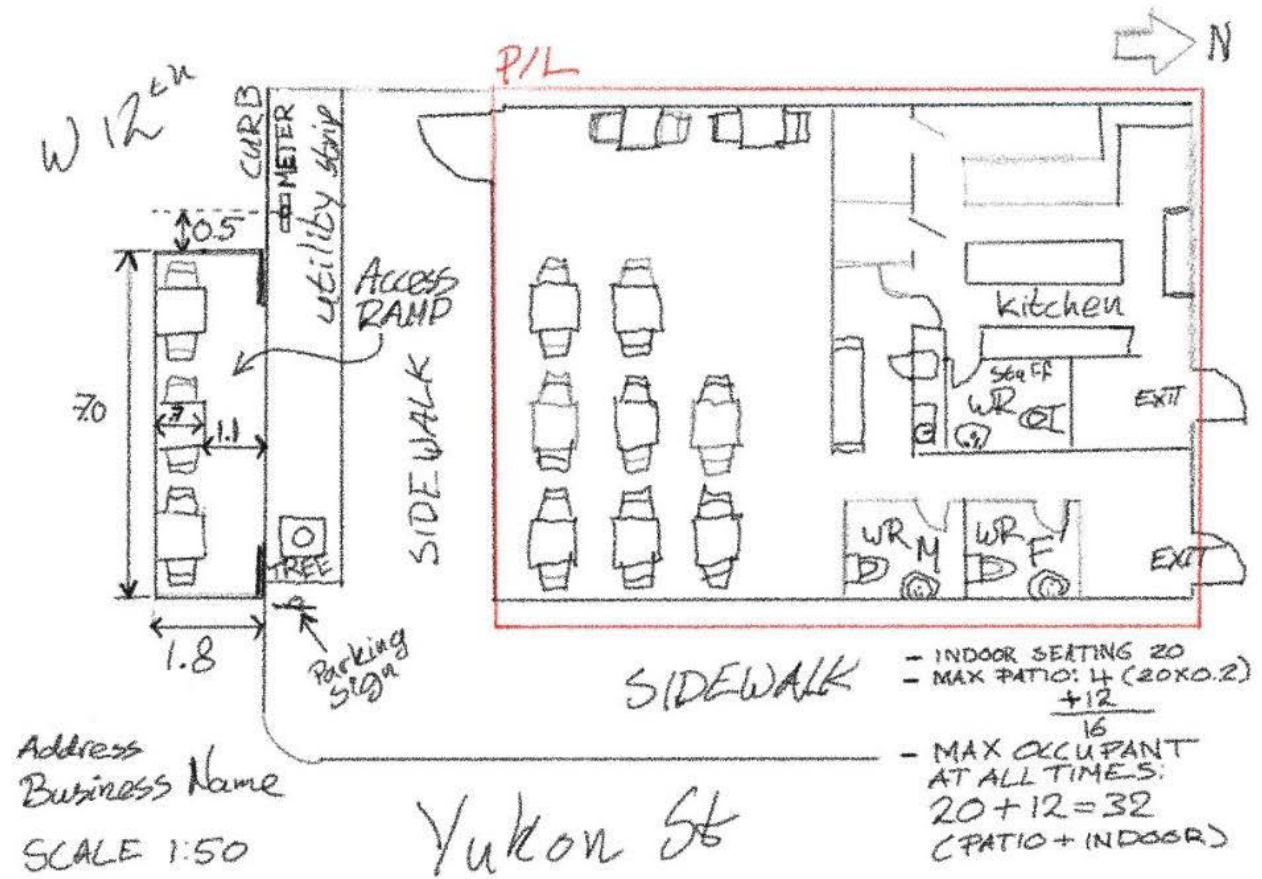
We are aware there have been misunderstandings about the requirement for 'architectural drawings'. To clarify, drawings must be: 2D line drawings, to scale, with accurate dimensions.

These drawings do not need to be done by a professional, nor do they require a stamp or seal by an architect or engineer. They can be computer generated or hand drawn, as long as they provide accurate and complete information. Staff will distribute an update to the restaurant industry, BIAs, and individual businesses and will revise the program website to help clarify the requirements and offer suggestions for how the drawings can be created. Also, to help reduce the misunderstandings, staff will not continue to refer to the drawings as 'architectural', and instead use the term 'scaled dimensioned drawings'.

Scaled dimensioned drawings are needed for staff's review to ensure the safety and accessibility of the patios. For businesses that wish to serve alcohol on their patios, drawings of interior and exterior seating are also required for the VFRS review of occupancy load (FI permit) and the LCRB's approval, to allow a business' service area to be extended to a patio. (Interior drawings were not required for last year's TEPP program, as the LCBR's TESA authorization, a temporary pandemic-related initiative, did not require a review of occupancy or seating.) The City's and LCRB's drawing requirements are aligned.

At this time we have received 33 applications, and staff are working with applicants to refine their drawings as needed. Staff have been actively reaching out to those business owners, to provide more information and talk through how owners can produce drawings themselves, simply and at no cost. This includes providing sample 'non-professional' scaled drawings to applicants (Figure 1) and offering options for creating the needed drawings.

Figure 1: Sample of an Acceptable Drawing (hand-drawn)



Application and Permit Fees

In response to Councillor inquiries, we are also including information on patio fees and revenues. Based on the 2022 fee schedule approved in September 2021, the total anticipated revenue for the Patio Program fees is **\$1.84M**. This includes \$1.2M for the existing Year-Round patio programs, and a projected **\$641,000** for the new Summer Patio Program. A breakdown for the projected Summer program is as follows:

Application fees	\$86,000	13%
Permit Fees (per m2 rate)	\$555,000	87%
Total revenues	\$641,000	100%

For a typical curbside patio (9m x 1.8m), the total fee would be **\$1804**, including application and permit fees. For a typical large sidewalk patio (8m x 3m), the total fee would be **\$2438** (Figure 2). Fees vary according to type and size of patio, as follows:

<i>Summer Patio fee examples</i>					
Patio type	application fee	Fee per m2	Size	Footprint	Total
Curbside	\$230	\$92 (summer, downtown)	Small	5x1.8m (9m ²)	\$1,058
			Average	9x1.8m (17.1m ²)	\$1,804
			Large	12x1.8m (21.6m ²)	\$2,218
Large sidewalk patio	\$230	\$92 (summer, downtown)	Small	4x2m (8m ²)	\$966
			Large	8x3m (24m ²)	\$2,438
Small sidewalk patio	\$58		Average	3 tables 6 chairs	\$456

To date, the questions that staff have received from applicants or interested individual restaurants have been about how program requirements apply to their proposed patios, and how to submit their application. Staff have not heard concerns about application or permit fees directly from businesses.

In addition to launching the 2022 Summer Patio Program this year, staff will also be working with key stakeholders on the review of the patio program, as directed by Council in the September 2021 report. Staff will update Council on the process and anticipated milestones.

Figure 2: Example Patios with Fee Breakdowns



9X1.8M CURBSIDE PATIO
\$230 APPLICATION FEE + \$1,574 FOR 17M² = \$1,804 TOTAL



8X3M LARGE SIDEWALK PATIO
\$230 APPLICATION FEE + \$2,208 FOR 24M² = \$2,438 TOTAL

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

A handwritten signature in blue ink that reads "m Wittgens".

Margaret Wittgens, MCIP, RPP
Deputy General Manager, Strategy and Planning
Engineering Services

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