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To: ["Direct to Mayor and Council - DL"](#)  
Date: 1/13/2023 4:18:22 PM  
Subject: CM: Council Memo - Patio Program Review Update - RTS 14059

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Dear Mayor and Council,

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

- Staff are preparing for the 2023 summer patio permit season, as well as working on a full review of the Patio Program.
- As most businesses will re-install the same patio as summer 2022, the permit approval process will be expedited. For businesses installing new patios, staff have developed Simple and Regular application streams (the latter is needed to increase number of seats/occupant load).
- As the Provincial LCRB's Temporary Expanded Service Area (TESA) approval ends March 31, businesses must apply to the LCRB to have their patio area licensed to serve liquor. While the LCRB process is wholly separate from the City's patio permit, staff are sending reminders to businesses.
- The Patio Program review will include permit fees, design guidelines, and accessibility of patios and surrounding public realm. Stakeholder engagement will begin in spring 2023, and final recommendations will be presented to Council in late 2023.

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

Best,  
Paul

**Paul Mochrie** (he/him)  
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Sḵwxwú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.

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## MEMORANDUM

January 13, 2023

TO: Mayor and Council

CC: Paul Mochrie, City Manager  
Armin Amrolia, Deputy City Manager  
Karen Levitt, Deputy City Manager  
Rosemary Hagiwara, Acting City Clerk  
Maria Pontikis, Chief Communications Officer, CEC  
Teresa Jong, Administration Services Manager, City Manager's Office  
Kareem Allam, Chief of Staff, Mayor's Office  
Trevor Ford, Director of Operations, Mayor's Office  
Mellisa Morphy, Director of Policy, Mayor's Office  
Andrea Law, General Manager, Development, Buildings, and Licensing

FROM: Lon LaClaire  
General Manager, Engineering Services

SUBJECT: Patio Program Review Update

RTS #: 14059

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This memo provides an update on the Patio Program, including implementation of the Summer Patio Program and the ongoing Patio Program review, in response to Council's September 22, 2021 motion, "Making Patios a Part of Every Summer in Vancouver".

### Background

In response to the pandemic, the City created the Temporary Expedited Patio Program (TEPP) – a simplified, expedited permitting process for temporary patios to support local businesses and residents impacted by health restrictions on indoor dining. On September 16, 2020, Council directed staff in a Motion, "Extending Pop-up Patios This Fall and Winter and Making Pop-up Patios a Part of Every Summer in Vancouver," to explore options to make TEPP into an ongoing summer patio program. Staff then brought forward a report to Council on September 22, 2021 with recommendations for the summer program, as well as a recommendation that Council direct staff to do a Patio Program Review (year-round and summer). Council supported the recommendations, giving additional direction to strengthen policy related to accessibility of patios for persons with disabilities and mobility needs.

### Summer Patio Program

Summer 2022 was a transition year from TEPP towards the ongoing summer patio program, with key changes including: additional traffic safety measures, regularization of the review process, and permit fees. To support a fast permitting process, businesses were allowed to shift up to 50 per cent of their existing indoor seating to their patio without increasing occupant load.

(An earlier policy that would allow businesses to add 12 seats and shift up to 20 per cent of indoor seating was *not* implemented, as the 50 per cent shift was found to be simpler and more advantageous for the majority of businesses.) The 50 per cent shift was strongly supported by industry and will be allowed for the summer patio program on an ongoing basis.

In 2022, 282 summer patio permits were issued (224 on public property and 58 on private property). This is a decrease from 692 patios in 2021 when, during TEPP, there were restrictions to indoor dining and no permit fees were charged. The number of summer 2022 patio permits likely indicates the long term demand for the program.

For summer 2023, staff anticipate that most summer patio permits will be renewals of 2022 summer patios, which will greatly expedite the approval process. For businesses that wish to re-install the same summer patio on City property in 2023, they will not need to submit an application or drawings, but simply provide proof of insurance and fee payment. For businesses that wish to apply for a *new* patio on City property, staff have developed *Simple Application* and *Regular Application* streams (the latter is needed to increase occupant load/number of seats). Businesses with a summer patio on private property must re-apply each year, but can re-use drawings if no changes are proposed. Staff have been doing ongoing engagement with 2022 permit holders and industry representatives to communicate permit options and ensure a smooth program roll-out.

#### **Liquor and Cannabis Regulation Branch (LCRB) Approval**

As the Provincial LCRB's Temporary Expanded Service Area (TESA) approval ends March 31, 2023, businesses who wish to serve alcohol on their patios in summer 2023 must apply for a permanent licensed area ('red line'). While the LCRB process is separate from the City's patio permit process, staff are supporting businesses by sending reminders to patio permit holders and providing guidance for their LCRB applications.

#### **Trial for Year-Round Curbside Patios (Winter 2022/2023)**

As part of a one year trial for year-round curbside patios, the City has offered businesses the option to operate their existing curbside patio over the winter (Nov 1, 2022-Mar 31, 2023). 70 businesses are participating in the trial, and staff are monitoring the patios over the winter to inform a long-term approach to year-round curbside patios.

#### **Patio Program Review**

The Patio Program Review will be done in two phases. Phase one, currently underway, is an internal process review to streamline program delivery. Phase two, beginning in January 2023, will review patio permit fees and design guidelines, including accessibility, public realm impacts, and traffic safety measures. In-depth stakeholder engagement for phase two of the Patio Program Review will commence in spring 2023.

Staff will report to Council in late 2023 with recommended revisions to the patio program, and in late January 2024 with proposed updates to the Fees Bylaw. If approved by Council, the updated program and fees will be implemented in 2024. For 2023, current fees will be applied.

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



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