



City of Port Moody

Report/Recommendation to Council

Date: July 6, 2021

Submitted by: Community Development Department – Economic Development Office

Subject: Update on COVID-19 Temporary Assistance Program for Businesses

Purpose

To update Council on next steps related to temporary patios and outdoor seating established during COVID-19 in light of announcement by the Liquor and Cannabis Regulation Branch supporting temporary patios becoming permanent.

Recommended Resolution(s)

THAT the report dated July 6, 2021 from the Community Development Department – Economic Development Office regarding Update on COVID-19 Temporary Assistance Program for Businesses be received for information;

AND THAT staff be directed to establish a process to transition the Temporary Assistance Program for Businesses to a permanent solution;

AND THAT the transition process include a cost recovery approach.

Background

The [COVID-19 Temporary Assistance Program for Businesses](#) (TAPB) was developed through the Emergency Operations Centre and implemented in late May 2020 to provide businesses a streamlined permitting process to access public property or use outdoor private property to support operations during the pandemic. Businesses could establish or expand outdoor seating to compensate for loss of indoor capacity due to physical distancing guidelines, extend their retail footprint, or offer services.

The program was originally intended to expire on October 31, 2020, but was extended until October 31, 2021, in alignment with the extension of the temporary expanded service areas (TESA) by the Liquor and Cannabis Regulation Branch (LCRB) that enables licensees, upon local government support, to provide alcohol service on extended patios. The extension of the patio program was also supported by the BC Restaurant and Foodservices Association, the Alliance of Beverage Licensees, and the BC Craft Brewers Guild (**Attachment 1**), which requested that municipalities expedite applications for businesses to winterize patios in public and private spaces until the end of summer 2021.

On October 27, 2020, Council approved a waiver of fees related to this program (**Attachment 2**) for permits that were required primarily to construct an addition, canopy, or awning. The fee waiver expires October 31, 2021, the termination date of the bylaw amendment.

Through 2020 and 2021, fifteen Port Moody businesses had taken advantage of the TAPB, all for the purpose of expanding or establishing outdoor seating.

Discussion

In June 2021, the Province issued a notice (**Attachment 3**) announcing that the LCRB was authorizing TESAs to serve liquor on a permanent basis. There is an interim extension for TESAs until June 1, 2022, to give businesses time to apply for permanent status. However, for permanent status to be granted, compliance with all local government bylaws must also be achieved. Local governments have until July 30, 2021 to raise concerns about existing TESA authorizations before temporary authorizations are extended until June 1, 2022.

In late June, staff reached out to all 15 businesses on the TAPB to collect information about their desire to maintain patios or outdoor seating and what a permanent or annual seasonal arrangement would consist of. Fourteen of 15 businesses expressed a strong desire to maintain patios, with only one indicating that their patio would be removed by October 31, 2021.

Reasons cited by businesses for wanting to make their outdoor seating permanent included:

- outdoor seating added vibrancy to the street;
- compensated for reduced indoor seating capacity;
- is a long-term solution as some businesses planned on reducing indoor seating even if full indoor seating capacity returned due to discomfort with having patrons in close proximity to each other indoors;
- customers prefer outdoor seating during summer months even if indoor seating is available;
- significant costs may have been incurred for construction of shelters and other infrastructure so businesses would like to continue benefitting from them; and
- interest in investing in a patio of higher quality design and functionality if made permanent.

From this outreach with businesses, it is apparent that each situation is unique, and a variety of regulations apply in different configurations depending on patio location and the business's vision for their patio space. Considerations include:

- patios cannot increase overall seating capacity unless Building Code compliance can be achieved;
- patios cannot reduce areas previously reserved for parking without a Development Variance Permit (DVP);
- the City needs an encroachment agreement in place to approve use of public land for long-term patios;
- patios that will be in operation during the winter months and thus have shelter, will require more stringent oversight including Building Code compliance to ensure patron safety;
- patios and/or shelters may need approval for form and character;

- for patios in the M1 zone, patios cannot exceed 25% of the total indoor square footage without a DVP; and
- for patios on private property, such as Suter Brook and Newport Villages, the property owner and stratas must authorize the use prior to City consideration.

Staff have the authority to approve applications that would require a sidewalk use permit, highway use permit, building permit, or minor development permit. Applications that require Council approval, for example, a variance on parking or size of patio in the M1 zone, will need be brought to Council on a case-by-case basis. It is anticipated that most of the applications will require Council approval for the temporary expanded service area to become permanent.

Regarding local governments having until July 30, 2021 to raise concerns about existing TESA authorizations before temporary authorizations are extended until June 1, 2022, staff have already indicated to the Province that blanket authorization to make patios permanent will be challenging for Port Moody as each application will need to be reviewed due to the unique circumstances and complexity involved.

Staff will continue dialogue with businesses and will bring reports to Council for those cases that require Council approval.

Other Option(s)

1. That regular fees be assessed for each application.
2. That all associated fees be waived.

Financial Implications

Based on the initial conversations with businesses, it is anticipated that the following permits will be required to transfer patios from a temporary status to permanent. The current fees have been included for information purposes:

- two sidewalk use permits, (Fee \$238 each, subtotal \$476)
- seven development variance permits, (Fee \$3,091, subtotal \$21,637)
- one minor development permit, (permits, (Fee \$547, subtotal \$547)
- two encroachment agreements, (Administration fee \$650 plus \$3 per square foot for a maximum of ten years, subtotal \$1,300 excluding per square foot charges)

This is intended only as an initial assessment and the specific permits and associated fees could change based on businesses revising plans. As well, any businesses that were undecided on a course of action when they were engaged are not captured in the above estimate.

While permits and related fees have been waived under the COVID-19 Temporary Assistance Program for Businesses, from this initial assessment, staff recommend that an alternate fee structure is established to directly cover costs for mailouts and postings in the local newspaper.

Communications and Civic Engagement Initiatives

The business community will continue to be engaged during this process. Otherwise, no formal civic engagement initiatives will be required.

Council Strategic Plan Objectives

This recommendation is aligned with the Economic Prosperity priority of Council's Strategic Plan as it will provide additional support to businesses during the tail end of the pandemic and help commercial districts remain vibrant.

Attachment(s)

1. Letter BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, BC Craft Brewers Guild.
2. COVID-19 TAPB and Related Business Licence and Permit Fees – Adoption Council Memorandum.
3. News Release from Ministry of Public Safety and Solicitor General Regarding Temporary Patios Going Permanent.

Report Author

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Report Approval Details

Document Title:	Update on COVID-19 Temporary Assistance Program for Businesses.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Letter BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, BC Craft Brewers Guild.pdf- Attachment 2 - COVID-19 TAPB and Related Business Licence and Permit Fees – Adoption Council Memorandum.pdf- Attachment 3 - News Release from Ministry of Public Safety and Solicitor General Regarding Temporary Patios Going Permanent.pdf
Final Approval Date:	Jul 19, 2021

This report and all of its attachments were approved and signed as outlined below:

Kate Zanon, General Manager of Community Development - Jul 15, 2021 - 9:34 AM

Dorothy Shermer, Corporate Officer - Jul 15, 2021 - 5:01 PM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement - Jul 15, 2021 - 9:15 PM

Paul Rockwood, General Manager of Finance and Tehcnology - Jul 16, 2021 - 8:31 AM

Tim Savoie, City Manager - Jul 19, 2021 - 10:13 AM