

# Considered at October 13, 2020 Regular Council Meeting

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## City of Port Moody Report/Recommendation to Council

Date: September 21, 2020  
Submitted by: Community Development Department – Economic Development Office  
Subject: Update on COVID-19 Temporary Assistance Program for Businesses and Related Business Licence and Permit Fees

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### Purpose

To update Council on the Temporary Assistance Program for Businesses and to present a bylaw to waive related business licence and permit fees until October 31, 2021.

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### Recommended Resolution(s)

**THAT City of Port Moody Fees Bylaw, 2019, No. 3213, Amendment Bylaw No. 5, 2020, No. 3262 be read a first, second, and third time as recommended in the report dated September 21, 2020 from the Community Development Department – Economic Development Office regarding Update on COVID-19 Temporary Assistance Program for Businesses and Related Business Licence and Permit Fees;**

**AND THAT staff be directed to change the expiry date of issued outdoor customer seating expansion permits to October 31, 2021 to be consistent to the Liquor and Cannabis Regulation Branch approvals.**

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### Background

At the July 14, 2020 Regular Council meeting, the following resolution was passed:

#### RC20/287

THAT staff be directed to prepare amendments to relevant bylaws exempting current Port Moody businesses from paying any additional fees to the City so that they may expand outdoors, move into a larger space or add-on a secondary physical location, allowing for proper physical distancing to help combat the spread of COVID-19, as recommended in the report dated July 13, 2020, from the Office of Councillor Steve Milani regarding COVID-19 Related Business Licence and Permit Fees;

AND THAT any monies already paid out by businesses for COVID-10 related expansion, as stated in this report, be refunded in full.

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More recently, the City received a request for expanded patio permissions in a joint letter from the BC Restaurant and Foodservices Association, the Alliance of Beverage Licensees, and the BC Craft Brewers Guild (**Attachment 1**). Specifically, they are seeking support from municipalities to expedite applications for businesses to winterize patios in public and private spaces to provide operators with the opportunity to capitalize on the confidence of outdoor space and extend support for temporary patios until the end of summer 2021.

## Discussion

The [COVID-19 Temporary Assistance Program for Businesses](#) 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 current program expires October 31, 2020.

Staff are working on an extension of the program for another full year until October 31, 2021. This date aligns with the extension of 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 until October 31, 2021.

Guidelines are being developed with the purpose of ensuring businesses receive approvals for shelter additions quickly while public safety standards are met. These include:

- priority treatment for applications made under this program;
- “concierge”-type treatment where an applicant will only have one point of contact from the City to navigate the process to secure authorizations; and
- staff assistance to business owners to comply with requirements of the BC Building Code. Staff and Council have no discretion on the application of these requirements as it falls under Provincial Legislation.

Businesses will have four options for the addition or expansion of an outdoor shelter. Options 1a and 1b would in essence be an extension of the building and would be discouraged as they would be less outdoors in nature and would reduce the intent of utilizing outdoor areas to mitigate potential transmission of the virus. Options 2 and 3 are likely to offer the best options to businesses in terms of meeting desired patio coverage with expediency of process.

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<u>Option</u>	<u>Building Permit Required</u>	<u>Development Permit Required</u>	<u>Permanent</u>	<u>Notes</u>
1a. An addition under 46.5m <sup>2</sup> (500ft <sup>2</sup> )	Y	N	Y	Would consist of an extension of the current building. Might require additional parking.
1b. Permanent expansion over 46.5m <sup>2</sup> (500ft <sup>2</sup> )	Y	Y (minor staff-issued DP up to 100m <sup>2</sup> / 1,076ft <sup>2</sup> ; Council approval for larger)	Y	Would consist of an extension of the current building. Might require additional parking.
2. Canopy or awning addition	Y	N	Y	Walls would be prohibited. Could be built over temporary seating. Not limited by size. Outdoor seating area does not require additional parking.
3. Tent	Y	N	N	Needs to be separated from the existing structure. Outdoor seating area does not require additional parking.

Because every option may not be available depending on site-specific features, each application will be reviewed by staff with the intent of matching the applicant's vision with the best available option.

Regarding fee waivers, staff have drafted City of Port Moody Fees Bylaw, 2019, No. 3213, Amendment Bylaw No. 5, 2020, No. 3262 (**Attachment 2**) that will allow staff to waive relevant permit fees related to applications through the COVID-19 Temporary Assistance Program for Businesses.

If Council approves the amendment bylaw, businesses that paid permit fees through this program in 2020 will be refunded. Moving forward, any business that applies for a permit related to establishing or expanding an outdoor space for operations or for a shelter through the COVID-19 Temporary Assistance Program for Businesses will have fees waived, including any necessary Building or Development Permits, until October 31, 2021.

It should be noted that the fees associated with permit applications is to recover the cost of staff's time for reviewing and processing each permit. By not charging applicants under the Temporary Assistance Program for Businesses, the costs to the City will have to be recovered in another way.

For businesses moving into a larger commercial space or into a secondary location to maintain physical distancing guidelines for employees and customers, staff will prepare a special business licence for short-term, COVID-related applications. The expiry for this type of application will be December 31, 2020 and any such applications will be reassessed in early 2021 pending further Provincial COVID-19 directives. At the date of this report, staff have

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received only one request of a business licence refund from a business owner who has been able to expand into a second location; however, staff anticipate further requests in the future.

## Other Option(s)

THAT the report dated September 21, 2020 from the Community Development Department – Economic Development Office regarding Update on COVID-19 Temporary Assistance Program for Businesses and Related Business Licence and Permit Fees be received for information.

## Financial Implications

The refund of fees collected to date for the COVID-19 Temporary Assistance Program for Businesses and any loss of revenue from future fees for this program will not materially affect the City's budget given the limited number of businesses expected to participate in the program. However, as the definition of a fee is cost recovery for the provision of a service and staff time will still be required to process applications, there will be a financial impact for the City. To date, nine businesses have received special event permits for temporary extension of their outdoor space due to COVID-19 and \$1,899 have been collected. There has been one business that has expanded to a secondary location and paid \$134 to the City.

If all nine businesses currently with expanded patios apply for a Building Permit to build a shelter, staff anticipate a loss of revenue between \$2,000 and \$14,000.

## Communications and Civic Engagement Initiatives

The business community will be contacted regarding the extension of the Temporary Assistance Program for Businesses. 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 pandemic and help commercial districts remain vibrant.

## Attachment(s)

1. Letter from BC Restaurant and Foodservices Association Alliance of Beverage Licensees and BC Craft Brewers Guild.
2. Draft City of Port Moody Fees Bylaw, 2019, No. 3213, Amendment Bylaw No. 5, 2020, No. 3262.

## Report Author

Joji Kumagai  
Manager of Economic Development

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## Report Approval Details

Document Title:	Update on COVID-19 Temporary Assistance Program for Businesses and Related Business Licence and Permit Fees.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Letter from BC Restaurant and Foodservices Association Alliance of Beverage Licensees and BC Craft Brewers Guild.pdf</li><li>- Attachment 2 - Draft City of Port Moody Fees Bylaw, 2019, No. 3213, Amendment Bylaw No. 5, 2020, No. 3262.pdf</li></ul>
Final Approval Date:	Oct 2, 2020

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

Robyn MacLeod, Manager of Building, Bylaw, and Licensing - Sep 24, 2020 - 4:19 PM

Kate Zanon, General Manager of Community Development - Sep 25, 2020 - 9:05 AM

Dorothy Shermer, Corporate Officer - Sep 25, 2020 - 5:55 PM

Rosemary Lodge, Manager of Communications and Engagement - Sep 26, 2020 - 5:23 PM

Paul Rockwood, General Manager of Finance and Technology - Sep 27, 2020 - 10:15 AM

Tim Savoie, City Manager - Oct 2, 2020 - 11:15 AM

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ALLIANCE OF BEVERAGE LICENSEES  
FOR A RESPONSIBLE LIQUOR INDUSTRY

August 26, 2020

VIA EMAIL

Your Worship and Council:

## ***REQUEST FOR SUPPORT FOR EXPANDED PATIO PERMISSIONS***

On behalf of the BC Restaurant and Foodservices Association, the Alliance of Beverage Licensees, and the BC Craft Brewers Guild, we are writing to thank you for expanding outdoor dining in your municipality and to request that you consider:

1. Expediting applications for businesses to winterize patios in public and private spaces to provide operators with the opportunity to capitalize on the confidence of outdoor space
2. Approving temporary patios for Summer 2021 now so operators are able to plan ahead; and
3. Creating a program for designated pick up zones so that businesses can enhance contactless curbside pick up in the fall and winter months.

Outside dining has been a significant benefit to operators and customers. It has helped build confidence in dining out and activated streets in new ways that have helped keep patrons and employees safe amid this global pandemic. We hope that we can work with you to build on this positive messaging going forward.

## **The financial pressures felt by British Columbia's hospitality industry as a result of the COVID-19 pandemic continue to be substantial.**

British Columbia's 14,000 restaurants and pubs employ over 190,000 people and contribute \$13 billion dollars to the economy annually. Our craft beer and wine industries also play significant roles in the vibrancy, innovation, and economic impact of our industry and the province. At this point in the crisis, 15% of hospitality businesses have already closed. With the end of summer approaching combined with the end of temporary layoff and CERB as well as the extended closure of the border, the potential for additional businesses closing is significant.

The COVID-19 crisis has driven devastating declines in both sales and guest-count in the hospitality industry.

- 51% of British Columbians surveyed by Leger Marketing at the end of July felt that just leaving the house was stressful. 64% remain afraid of contacting the virus.

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- Datassential survey of August 7 reports that the number of people concerned about eating out is rising: 47% are definitely avoiding eating out and 34% are nervous but will still eat out.

**In face of real threats of business closures across the province**, we ask you to consider extending your permissive licensing for restaurant, pub, bar, and brewery businesses around outdoor spaces. Extensions of the incredible support and creativity you have already offered would make a significant difference to the hospitality businesses that operate and employ people in your community:

- Extend approvals for short-term patios in public and private spaces to provide operators with the opportunity to capitalize on the confidence of outdoor space and expand the businesses ability to create physical distancing between tables.
- Support expedited applications for businesses to winterize temporary spaces, including by preapproving styles of canopies and heater units that meet your jurisdictions needs.
- Renew the extended patio program for 2021 now. This will ensure that operators plan to keep materials and generates cost savings.
- Create a program for businesses to apply for curbside pick up zones. We suggest that these include standardized signage that lists the businesses using the pick up stop and phone number for curbside pick up.
- Ensure coordinated communication and reduced red tape to make these changes possible.
- Support expanded permissions in discussions with the Provincial Government.
- Practice Sympathetic Administration and set new ways of doing streamlined business.

Our industry has never faced a crisis of this magnitude. It is our sincere hope that we can work with your council to find material and hard-hitting measures to ensure this industry survives. It will require bold and quick moves to help industry restore itself. We are working with the LCLB to extend their liquor service regulations in conjunction with this request.

Thank you in advance. We remain at your disposal to offer advice and perspective on these issues. Please do not hesitate to contact the undersigned at any time.

Sincerely,



Ian Tostenson, President and CEO cell: 604.986.1429  
British Columbia Restaurant and Foodservices Association



Jeff Guignard, Executive Director cell: 604-499-2566  
Alliance of Beverage Licensees



Ken Beattie, Executive Director cell: 604.306.1500  
BC Craft Brewers Guild

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## City of Port Moody

### Bylaw No. 3262

A Bylaw to amend City of Port Moody Fees Bylaw, 2019, No. 3213 to add fee exemptions for participants of the COVID-19 Temporary Assistance Program for Businesses.

The Council of the City of Port Moody enacts as follows:

#### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Fees Bylaw, 2019, No. 3213, Amendment Bylaw No. 5, 2020, No. 3262”.

#### 2. Amendments

- 2.1 City of Port Moody Fees Bylaw, 2019, No. 3213 is amended by adding the following section 3.2:

“3.2 Despite any other provision herein, the Fees set out in Schedule “A” of this Bylaw are reduced to zero until October 31, 2021 for the following permits when issued specifically in respect of expanded patios, shelters constructed to provide cover for outdoor seating areas during the winter, or other business re-start related uses pursuant to the City’s COVID-19 Temporary Assistance Program for Businesses:

- a. Highway Use Permits;
- b. Special Event Permits;
- c. Sidewalk Use Permits;
- d. Parklet Program Permits;
- e. Building Permits; and
- f. Development Permits.”

- 2.2 City of Port Moody Fees Bylaw, 2019, No. 3213 is further amended by adding the following section 3.3:

“3.3 Despite any other provision herein, the Fees set out in Schedule “A” of this Bylaw are reduced to zero until December 31, 2020 for a Business Licence issued specifically in respect of a secondary commercial location leased pursuant to the City’s COVID-19 Temporary Assistance Program for Businesses.”

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## 3. Severability

3.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Read a second time** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Read a third time** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Adopted** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
R. Vagramov  
Mayor

\_\_\_\_\_  
D. Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3262 of the City of Port Moody.

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D. Shermer  
Corporate Officer