

AGENDA INFORMATION

Regular Meeting:

Date: June 15, 2020

Other:

Date: _____



Dept.
Manager



GM/
Director



CAO

The District of North Vancouver REPORT TO COUNCIL

Date: June 1, 2020

File: 13.6410.01/000.000

AUTHOR: Janine Ryder, Manager – Real Estate and Properties
Michael Hartford, Section Manager – Development Planning

SUBJECT: Temporary Outdoor Business Areas – Covid-19 Recovery

RECOMMENDATIONS:

1. THAT this report is received for information.
2. THAT Bylaw 8443, to amend the Fees and Charges Bylaw, be given first, second and third readings.
3. THAT Bylaw 8443 be adopted.
4. THAT Council endorse the expedited process to create temporary outdoor business areas, as outlined in this report.

REASON FOR REPORT:

This report has been prepared in response to the Covid-19 pandemic, the Province's March 2020 declaration of a state of emergency, and the Provincial Health Officer's March 2020 declaration of a public health emergency.

Following guidance from the Provincial Public Health Officer, local businesses are now beginning to re-open and to re-establish storefront operations. To comply with Public Health Officer guidance, many businesses will modify their operations such as by introducing handwashing/sanitizing stations, physical barriers, personal protective equipment, and many other measures. In some cases businesses may wish to create or expand outdoor business areas (e.g. patios) to accommodate appropriate physical distancing for patrons and staff. A number of Provincial and District of North Vancouver regulations apply to the creation of temporary outside business areas including liquor licensing, building permits, land use & density, parking, and access.

In order to support local business through these challenging times, staff recommend the District apply an expedited approach to our review of temporary outdoor business area proposals. First, it is recommended that businesses applying to temporarily use a District

road allowance for a temporary outdoor business area to enable physical distancing be exempt from District application and licensing fees until October 31, 2020. Second, it is recommend that staff follow an expedited application review process to enable businesses to open temporary outdoor business areas as soon as possible, provided the business agrees to follow guidelines established for temporary outside business areas (e.g. health and safety standards).

Fees and Charges Bylaw Amendment

In order to waive bylaw fees and charges associated with Temporary Outdoor Business Areas an amendment to the Fees and Charges bylaw is required. The proposed bylaw amendment is included as Attachment 1. The amendment allows for the waiver of fees and charges associated with Temporary Outdoor Business Areas including any fees that would otherwise be payable for the temporary relocation of activities associated with a business to District road allowance, for the purpose of meeting COVID-19 guidelines established by senior levels of government. The proposed waivers in the bylaw amendment expire on October 31, 2020.

Liquor Licensing

On May 22, 2020, the Provincial Liquor and Cannabis Regulation Branch (LCRB) issued Policy Directive no. 20-13 enabling food primary (e.g. restaurants), liquor primary (e.g. pubs), and manufacturing licensees (e.g. wineries, breweries and distilleries) to apply for a Temporary Expanded Service Area Authorization under certain conditions (see Attachment 2). Since issuing the policy directive, the LCRB has clarified that the expedited process applies to the creation of new temporary licensed patio spaces as well as to expansions of existing licensed patio spaces.

The LCRB is offering two options in this expedited process for local government input to the temporary authorization application process for liquor primary and manufacturer licensees. The two options are as follows:

1. A local government may provide one pre-approval to cover expansions for all liquor primary and manufacturer establishments within their jurisdiction
2. A local government may review and approve individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB

Both options allow for an expedited approach to the creation of patio spaces, relative to the liquor licensing procedures for permanent proposals which include the need for public notification and a resolution by Council.

Given the small number of liquor primary and manufacturing establishments in the District and the desire to review proposals relative to the guidelines to be established to accommodate temporary patio proposals, staff are recommending "Option 2." This would include an expedited staff review of each patio proposal and the forwarding of an approval to the LCRB to confirm the proposal meets the District's guidelines. This approach will help to

ensure that the LCRB does not extend licensing approvals to patio areas that may be impractical or unable to comply with the District's guidelines.

Nothing in this expedited process will affect or undermine the District's regulatory control over temporary outdoor business areas through the District's land use and nuisance regulations. Should unforeseen impacts on nearby businesses or residents arise, the District will retain the option to work with businesses to achieve compliance with the temporary patio guidelines. Should compliance not be possible, the District can require the closure of the temporary patio space with 24 hours' notice.

Temporary Outdoor Business Area Policy and Guidelines

Staff are currently preparing an administrative policy to allow for expedited review of temporary outdoor business areas such as patios and retail spaces both on-site (private property) and off-site (public property, such as road allowances). The policy will set out a number of guidelines to ensure appropriate design and operation of the outdoor business areas and will provide some certainty to business owners as to the District's expectations and requirements relating to temporary outdoor business areas. To streamline the review process, the following items will be the focus of the District of North Vancouver's site-specific reviews:

- Ensuring access to driveways and business entrances/exits
- Ensuring the availability of existing accessible parking
- Maintaining sightlines for motorists and pedestrians
- Providing reasonable access to utilities and fire hydrants
- Ensuring the availability of accessibility ramps between sidewalk and street areas

The permit that will be issued for temporary outdoor business areas located on District road allowances will require compliance with the guidelines and will include: an expiry date of October 31, 2020, termination clauses, and insurance and indemnity provisions.

To date, the District has received six inquiries for patio proposals. Once the policy and guidelines are finalized, outreach to the business community will be undertaken and it is expected that this will result in additional proposals.

CONCLUSION

Temporary patio spaces and outdoor business areas are tools for businesses to expand their service areas to fulfil public health objectives for physical distancing. Through this streamlined review process, staff will be able to quickly review requests for temporary outdoor business areas on both private and public property. The amendment to the Fees and Charges Bylaw will waive the fees for these temporary patio spaces and businesses through to October 31, 2020.

Options:

1. THAT Bylaw 8443, to amend the Fees and Charges Bylaw, be given first, second and third readings; and
2. THAT Bylaw 8443 be adopted; and
3. THAT Council endorse the expedited process to create temporary outdoor business areas, as outlined in this report.

OR

1. That no further action be taken at this time.

Respectfully submitted,



Janine Ryder
Manager – Real Estate and Properties



Michael Hartford
Section Manager - Development Planning

Attachments:

1. Bylaw 8443: Amendment to Fees and Charges Bylaw
2. Policy Directive 20-13: Temporary Expanded Service Area Authorization

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input checked="" type="checkbox"/> Solicitor		<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		
<input type="checkbox"/> Review and Compliance	_____	<input checked="" type="checkbox"/> Planning			

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The Corporation of the District of North Vancouver**Bylaw 8443**

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8443, 2020 (Amendment 66)".

Amendments

2. Fees and Charges Bylaw 6481, 1992 is amended as follows:

- (a) by inserting a new row under the "Liquor Related Applications" heading in Schedule "B" the following clause:

"The first four fees under this heading are waived for Liquor Control Regulation Branch licences issued or proposed to be issued under policy directive 20-13 associated with Temporary Outdoor Business Areas. The above fee waiver expires on October 31, 2020. For the purpose of this Bylaw, "**Temporary Outdoor Business Areas**" means an area temporarily used or proposed to be used for an activity associated with a business on a parcel where the use of the area for the activity will facilitate compliance with social distancing requirements and other requirements or guidelines issued by senior levels of government to address Covid-19 during the period from the date that Bylaw 8443 is adopted to and including October 31, 2020. Temporary Outdoor Business Areas may be located on the parcel or on an adjacent parcel or on a road allowance."

- (b) by inserting a new row under the "Development Permit - Minor" heading in Schedule "B" the following clause:

"All of the fees under this heading are waived in relation to proposed Temporary Outdoor Business Areas. The above fee waiver expires on October 31, 2020."

- (c) by inserting a new row under the "Building Permit Fee" heading in Schedule "B" the following clause:

"All of the fees under this heading are waived for building permits applied for or issued for temporary structures required for activities associated with Temporary Outdoor Business Areas. The above fee waiver expires on

October 31, 2020. For this waiver to apply, the Chief Building Official must be satisfied that the proposed structure is and will be in fact temporary and will be removed by October 31, 2020.”

- (d) by inserting after the words “exemption letter” in the last row under the “Development Permit – Major” heading in Schedule “B” the following clause:

“, except this fee is waived for developments required for activities associated with Temporary Outdoor Business Areas. The above fee waiver expires on October 31, 2020.”

- (e) by inserting after the words “private utilities” in the first row under the “Permit” heading in Schedule “F” the following clause:

“, except this fee is waived for temporary activities in a Temporary Outdoor Business Area on a road allowance where said temporary activities are associated with a business on a parcel adjacent to the road allowance and where the activities have been approved by the Municipal Engineer by way of issuance of a Highway Use Permit under section 704 of the Street and Traffic Bylaw. The above fee waiver expires on October 31, 2020.”

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Note: Subsection 12 of Ministerial Order M139, made by the Minister of Public Safety and Solicitor General under the *Emergency Program Act* in response to the COVID-19 declared emergency and dated May 1, 2020, permits a council to adopt a bylaw on the same day that it has been given third reading despite section 135(3) of the *Community Charter*. Due to urgent circumstances, the District of North Vancouver has availed itself of this temporary power where warranted.

Certified a true copy

Municipal Clerk

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Liquor and Cannabis Regulation Branch
POLICY DIRECTIVE
No: 20 - 13

Date: May 22, 2020

To: All LCRB Staff
All Licensees
All Industry Associations
All local government, First Nations and police agencies

Re: Temporary Expanded Service Area Authorization

General Manager Authority

Under the Liquor Control and Licensing Regulation (LCLR), s. 109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area Authorization to food primary, liquor primary, and manufacturer licensees.

New Policy

In response to the COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's March 2020 declaration of a public health emergency, the GM is putting in place time-limited measures to support the Provincial Health Officer's (PHO) direction and recommendations.

This new authorization permits a licensee to temporarily expand their service areas **until October 31, 2020**. The increased service area will allow licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Accordingly, food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) may apply for a Temporary Expanded Service Area Authorization.

To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

An expedited online application will be available for licensees at no charge. Please check our website for a link to the application.

Explanation

The new policy is provided in the context of the provincial state of emergency and public

health emergency related to the COVID-19 pandemic. Increasing the size of existing service areas is expected to support licensees in complying with requirements under the Provincial Health Orders and recommendations, in particular with respect to social/physical distancing.

Further Information

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by

Mary Sue Maloughney
Assistant Deputy Minister and General Manager
Liquor and Cannabis Regulation Branch