

**CITY OF LANGFORD**  
**SPECIAL MEETING OF COUNCIL**

**Thursday, May 21<sup>st</sup>, 2020 @ 5:30 p.m.**

**Due to COVID-19 Council Chambers is Closed**

**Dial In:** 1-855-703-8985 (Canada Toll Free) or 1-778-907-2071 **Conference ID:** 880-5857-6260

**To Participate:** During the public participation period, press \*9 to "raise your hand". Participants will be unmuted one by one when it is their turn to speak.

**Public Dial-In Details are also posted at [www.langford.ca](http://www.langford.ca)**

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**AGENDA**

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<b>“Sidewalk Use Bylaw No. 1917”</b>	
<b>(FIRST, SECOND, THIRD READINGS AND ADOPTION)</b>	
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# City of Langford

[www.cityoflangford.ca](http://www.cityoflangford.ca)

## Staff Report to Council

**Date:** May 21, 2020  
**Department:** Administration  
**Subject:** Supporting Businesses in this Challenging Time – Sidewalk Use Bylaw

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### Background

The City has been approached (see attached letter) by the BC Restaurant and Food Services Association to work creatively and collaboratively with restaurant and cafe operators in Langford. They request that the City work quickly to enable local businesses to expand current patio areas, add new patios, and permit dining, liquor service and manufacturer's sampling in controllable public spaces. These proposed changes are intended to help businesses balance the competing requirements of maintaining physical distancing yet trying to achieve the volume of sales pre-COVID-19.

Specifically, the City has been asked to support:

1. Increased flexibility for patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed;
2. Increase the space use of existing patios or picnic areas to allow chairs to be spread out to meet distancing requirements (i.e. many patios have more space than the current floor plans allow them to use);
3. Allow pop-up outdoor dining and manufacture sampling spaces;
4. Allow and increase the use of parklets and public space for dining;
5. Allow any increase in patio, picnic area or outdoor space be considered a continuation of an establishment's existing approved alcohol service area or manufacture's sampling area to provide samples and not require additional endorsements or authorizations.

6. Coordinate with any relevant bodies—such as the Liquor and Cannabis Regulation Branch, Fire Department, WorkSafe BC, etc.—to reduce red tape and speed approval timelines wherever possible.

### **Commentary**

Staff have reviewed the requests from the BC Restaurant and Food Services Association and feel that most of their requests are achievable, with the exception of permitting of expanded alcohol service area, as this is within the purview of the Province.

Staff also believe that these suggestions are not only applicable to restaurant and café owners/operators, but to any retail business wanting to expand their floor area to meet the variety of challenges associated with COVID-19.

To this end, staff have drafted the attached bylaw for Council's consideration. To summarize, the bylaw:

- Enables any restaurant, café or retail business to apply to use a portion of the City sidewalk or private property sidewalk near their business for the purposes of expanding their operations (in light of social distancing requirements);
- Delegates the authority staff to issue, amend, suspend or cancel sidewalk use permits;
- Requires a valid business license, proof of insurance, support from the property owner/adjacent businesses and conformance with other City bylaws for a sidewalk use permit to be issued;
- Allows sidewalk use permits to be issued for up to one year;
- Allows for fixtures to remain on the sidewalk (e.g. picnic tables) during the duration of the licensing period, and requires the license holder to keep the area clean;
- Ensures that minimum travel paths for accessibility and COVID-19 are respected;
- Provides for the necessary safety measures; and
- Allows for the business to operate on the sidewalk from 7:00 a.m. to 9:00 p.m. daily.

Should Council support this bylaw, staff would engage with interested businesses, onsite and in-person, to advise them of this opportunity.

Staff would also send a letter to the Liquor and Cannabis Regulation Branch and other necessary stakeholders to ask for their support in this initiative, including allowing any increase in patio, picnic area or outdoor space be considered a continuation of an establishment's existing approved alcohol service area or manufacture's sampling area to provide samples and not require additional endorsements or authorizations.

### **Financial Implications**

None.

### **Legal Implications**

The City's lawyers have been consulted in the drafting of this bylaw and their recommendations have been incorporated.

**Options**

That Council:

1. Give 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and then adopt Bylaw 1917.

OR

2. Does not give any readings to Bylaw 1917 at this time.

Respectfully submitted,

Submitted by:	Braden Hutchins, Director of Corporate Services
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Lorne Fletcher, Manager of Bylaw Enforcement
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance
Concurrence:	Darren Kiedyk, Chief Administrative Officer

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May 7, 2020

Mayor Lisa Helps and Members of Council  
City of Victoria  
City Hall  
1 Centennial Square  
Victoria, BC V8W 1P6

VIA EMAIL

Your Worship and Council:

On behalf of the British Columbia's 14,500 hospitality businesses—including restaurants, bars, craft breweries, and winery tasting rooms—we are writing to request your urgent support to aid the survival of local hospitality businesses and thousands of livelihoods during this pandemic crisis. Specifically, we are requesting your assistance for flexible, innovative, and expedited patio permitting.

**British Columbia's hospitality industry is facing collapse.** While the global COVID-19 pandemic has reverberated throughout our economy, our industry's local small hospitality businesses were hit first, hit hardest, and will be among the last to recover. The majority of BC's restaurants, bars, and tasting lounges have closed, laid off staff, and are facing bankruptcy and financial collapse. Even those businesses remaining opening during this pandemic to offer limited takeout and delivery services and are experiencing dramatically reduced revenues and are struggling to survive.

The collective economic disruption in our sector has been staggering:

- Job losses within the restaurant sector alone are estimated at 121,500.
- At least 1 in 10 restaurants have already closed forever with associated permanent job losses.
- Over 50 per cent of smaller independent restaurants say they will be bankrupt within three months from the start of this crisis (i.e. by June of this year).
- 80 per cent of BC's hospitality businesses have been forced to temporarily lay off the vast majority of BC's 192,000 foodservice employees.
- 80 per cent of Liquor Primaries (i.e. pubs, bars, nightclubs) are closed.
- Liquor Primaries who remain open for take-out/deliver services have experienced 90-95 per cent decline in revenues.

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- Over 70 per cent of BC's hotels are closed.
- BC's tourism sector has laid off 70 per cent of all employees totaling over 130,000 workers.
- All 197 craft brewery tasting rooms in BC are closed, reducing average brewery revenues by over 80 per cent.
- All 366 licensed BC winery tasting rooms in BC are closed, reducing average revenues by over 50 per cent.
- 83 new breweries opened in BC since 2017, including 28 in the last 12 months. These new or recently opened businesses face the biggest threat of permanent closure for our industry.
- Over 250,000 hospitality and tourism workers have already been laid off in BC since the start of this COVID crisis.

While we are working with our provincial and federal governments partners on protocols for a gradual and phased reopening of our sector, BC's local communities have a key role to play in supporting economic recovery. We ask you to support our industry with fast, flexible, and nimble permitting and business services to help our industry get back up and running.

The first opportunity to offer concrete support is with regards to patios, as they offer a hospitality experience within the relative public trust of outdoor space. We ask that your municipality work creatively and collaboratively with operators to help expand current patio areas, add new patios quickly, and permit dining, liquor service and manufacturer's sampling in controllable public spaces.

Specifically, we request your support to:

1. Increase flexibility for patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed;
2. Increase the space use of existing patios or picnic areas to allow chairs to be spread out to meet distancing requirements (i.e. many patios have more space than the current floor plans allow them to use);
3. Allow pop-up outdoor dining and manufacture sampling spaces;
4. Allow and increase the use of parklets and public space for dining;
5. Allow any increase in patio, picnic area or outdoor space be considered a continuation of an establishment's existing approved alcohol service area or manufacture's sampling area to provide samples and not require additional endorsements or authorizations.
6. Coordinate with any relevant bodies—such as the Liquor and Cannabis Regulation Branch, Fire Department, WorkSafe BC, etc.—to reduce red tape and speed approval timelines wherever possible.

As a sample, we have attached a recent motion from Vancouver Councillor Sarah Kirby-Yung that is resoundingly supported by BC's hospitality businesses.

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It is our sincere hope that we can work with your council to find significant and meaningful measures to ensure our critical industry survives. We recognize that some of these measures may make sense temporary ... Our industry has never before faced a crisis of this magnitude. The very survival our industry's small businesses and the jobs they create now depend on urgent leadership and bold action from our government partners in communities such as the City of Victoria.

Thank you in advance for your support. We would also like to offer our sincere thanks and appreciation to Council and staff for your diligent work to keep British Columbians healthy and safe during this provincial state of emergency and global crisis.

We remain at your disposal to offer advice and perspective on these issues. Please do not hesitate to contact us at any time.

Sincerely,



Ian Tostenson, President & CEO  
**BC Restaurant and Foodservices Association**



Jeff Guignard, Executive Director  
**Alliance of Beverage Licensees**



Ken Beattie, Executive Director  
**BC Craft Brewers Guild**



Miles Prodan, President & CEO  
**BC Wine Institute**

Cc:

Hon. Carole James, Minister of Finance  
Hon. Harry Bains, Minister of Labour  
Hon. Adrian Dix, Minister of Health  
Hon. Lisa Beare, Minister of Tourism, Arts and Culture  
Hon. David Eby, Attorney General  
Trevor Hughes, Deputy Minister of Labour

## **COUNCIL MEMBER'S MOTION**

### **Flexible, Innovative & Expedited Patio Permitting**

Submitted by: Councillor Kirby-Yung

#### **WHEREAS**

1. The COVID-19 pandemic has inflicted significant negative economic impacts with many Vancouver businesses including restaurants, tourism businesses, hotels, and personal-care services such as hair stylists, nail salons and dentists, forced to close or severely limit operations due to health and physical distancing restrictions;
2. Restaurants have been one of the most immediate and hardest hit sectors, and small business operators are struggling to survive with many limited to takeout offerings and attempting to make it through the pandemic;
3. Small businesses like restaurants are vital to the fabric and character of Vancouver neighbourhoods and support complete communities;
4. Small businesses like restaurants are key contributors to Vancouver's economic health generating jobs and tax revenue;
5. The City has a key role to play in supporting economic recovery. Speed flexibility and nimbleness in permitting and business support services will be instrumental to helping businesses get back up and running and survive;
6. Patio season is a critical revenue generator for restaurants and upon us now. Expedited patio permitting must be turnkey when restaurants are able to reopen to table type service;
7. An outcome of Covid will likely be the need for some continued physical distancing processes in businesses. Customers will also be cautious about being in close quarters to others.
8. Patios provide the health benefit of fresh air and sunlight.
9. There is opportunity to be innovative and redefine patios such as pop-up standing patios for quick service type offerings, expanded size to enable physical distancing and more open-air dining, as well as utilization of street or laneway space for extensions where it doesn't impede transit, emergency or service vehicles or traffic.
10. Currently, patio permitting can require a combination of licensing, development permits and permits to enable operations.

#### **THEREFORE**

- A. BE IT RESOLVED THAT Council direct staff to prepare options and report back as soon as possible to support more flexible patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed, in order to support the economic recovery of Vancouver's restaurant sector;
- B. THAT such options be considered for the duration of the COVID-19 response and recovery, recognizing that innovation will provide for valuable learning towards operations and adaptation in a new, post-Covid world.
- C. THAT this motion be shared with the Council Pandemic Response and Recovery Working Group for the purpose of enabling them to seek or share further information from the restaurant sector as may be beneficial to and aid this work.

# City of Langford

## BYLAW NO. 1917

### A Bylaw to regulate the use of sidewalks.

The Council of the City of Langford, in open meeting assembled, enacts as follows:

#### Citation

1. This Bylaw shall be cited as “Sidewalk Use Bylaw No. 1917”.

#### Definitions

2. In this Bylaw:

<b>CITY</b>	means the City of Langford.
<b>DIRECTOR</b>	means the following City of Langford employees: a) Director of Engineering; b) Director of Planning; and c) Includes their appointed deputies.
<b>SIDEWALK USE</b>	means an outdoor area authorized by a Sidewalk Use permit to be used for the purpose of serving food and beverages, or offering other retail services in an outdoor setting, in conjunction with an existing business.

#### Permit Required

3. A Sidewalk Use is only allowable with a valid permit, and no person shall construct, erect, modify, convert, expand, reconstruct, relocate or replace any Sidewalk Use without first having obtained a valid permit.

#### Delegation

4. A Director is authorized to:
  - a) Determine the form of a Sidewalk Use permit application;
  - b) Prescribe the form of a Sidewalk Use permit;
  - c) Issue or renew a Sidewalk Use permit in accordance with the terms and conditions of this Bylaw;
  - d) Refuse to issue a Sidewalk Use permit in accordance with this Bylaw, or if:
    - i. Information submitted is incomplete to process the application;
    - ii. Incorrect information is submitted;
    - iii. There was a previous contravention of a permit which is being considered for renewal;
    - iv. The proposed permit would authorize any structure, occupancy or activity prohibited by any bylaw or regulation, including, but not limited to, the use and

- density regulations of the applicable Zoning designation of the adjacent property; or
- v. The Director considers that the activities proposed under the permit cannot be carried out safely and with a minimum risk of injury to persons, damage or loss to property, inconvenience to residents and businesses in the vicinity, or to others using the public space; and
- e) Suspend, amend, or cancel any permit without compensation to the permit-holder, if:
- i. There is a contravention of this bylaw or the issued permit;
  - ii. The permit was issued in error;
  - iii. The permit was issued on the basis of incorrect information;
  - iv. In the opinion of the Director, a portion of the Sidewalk Use area is required for the installation of municipal utilities or other municipal purposes;
  - v. The Director considers that the activities under the permit are not being carried out safely and with a minimum risk to persons, damage or loss to property, inconvenience to residents and businesses in the vicinity, or to others using the public space.

### Application Requirements

5. A permit for a Sidewalk Use may be issued when:
- a) A full and complete application, as determined by the City, has been submitted;
  - b) Proof of valid City of Langford business license is confirmed;
  - c) Proof of insurance, as outlined in section 7b, is confirmed; and
  - d) The proposed Sidewalk Use conforms to this Bylaw and all other applicable bylaws and regulations, including the BC Building Code.
6. A permit holder must:
- a) Comply with all applicable City bylaws and City and Provincial regulations (e.g. WorkSafe BC, Liquor and Cannabis Regulation Branch);
  - b) Ensure that all the terms and conditions of the permit are met;
  - c) Maintain the Sidewalk Use Area in a clean, sanitary, safe, attractive condition satisfactory to the Director of Engineering; and
  - d) Submit a request to the City of Langford Building Department to inspect the Sidewalk Use before use and operation each calendar year.
7. A Sidewalk Use application must include:
- a) The written approval of the registered owner of the building and/or property;
  - b) Proof of the applicant's comprehensive general liability insurance policy for a minimum of \$5 million, naming the City as an additional insured; and
  - c) A site plan, showing the proposed Sidewalk Use, and all existing buildings, structures, fixtures, fencing, and improvements located within 3.0m of the proposed Sidewalk Use, including the dimensions of any sidewalks to be retained or proposed for relocation.

### Permit Period

8. A Sidewalk Use Permit is valid for one calendar year from the date of issuance.
9. A Sidewalk Use Permit may be re-issued for a subsequent calendar year if the Sidewalk Use was lawfully installed and used during the previous year and the application requirements of this

Bylaw have been met. Any application for re-issuance of the Sidewalk Use Permit shall be made prior to the expiry of the Permit.

10. Upon expiry of a permit, all fixtures and structures placed within a street must be completely removed within 7 days.

### Requirements

11. Subject to Director approval, a Sidewalk Use may be located:
  - a) On a sidewalk parallel to the linear frontage of the associated business which holds a valid City of Langford business license;
  - b) On a sidewalk parallel to the linear frontage of an adjacent business, with the written permission of the property owner and owners of any adjacent businesses; and
  - c) On a sidewalk or off-street parking stalls within the property containing the business, with the written permission of the property owner and owners of any adjacent businesses. When a Sidewalk Use Permit is issued under this section, a Development Permit will not be required.
12. The Director may consider other locations not specified in section 11 for the Sidewalk Use if the applicant demonstrates to the satisfaction of the Director that the other sections of this Bylaw can be implemented.
13. A Sidewalk Use may not include Liquor Service or Sales unless a valid License issued by the Liquor and Cannabis Regulation Branch is provided to the City and any conditions specified by the License, such as fencing to delineate the Licensed Area, have been implemented.
14. The City's Manager of Business Development and Events shall be available to assist in coordinating and implementing any necessary approvals from other agencies.
15. A Sidewalk Use must allow for a minimum sidewalk width of 2.0m that is free and clear of any obstructions for pedestrians, including temporary obstructions such as parked bikes and leashed dogs.
16. A Sidewalk Use is not permitted in a location where it would impede visibility or safety, in the opinion of the Director of Engineering.
17. A Sidewalk Use must be wheelchair accessible, unless it is shown to the satisfaction of the Director of Engineering to be impractical.
18. Design and construction of a Sidewalk Use must allow for appropriate drainage.
19. Sidewalk Use walking surfaces must be non-slip.
20. If the Sidewalk Use is located adjacent to a highway or on-site driving lane, partitions must be installed to separate the Sidewalk Use from vehicular traffic, and these partitions must be a minimum of 1.0m in height, measured from the Sidewalk Use level.
21. Awnings or shaded structures may be permitted provided they are securely fastened, do not extend into a driving lane, and are either retractable or demountable.
22. All signage, umbrellas, fencing and similar fixtures or items which could pose a hazard must be securely fastened.

23. Where a conflict exists between this Bylaw and Traffic Bylaw No. 33, Traffic Bylaw No. 33 shall prevail.

**Hours of Operation**

24. No Sidewalk Use is permitted to play amplified music between the hours of 9:00 pm and 9:00 am.

25. No Sidewalk Use is permitted to operate between the hours of 9:00 pm and 7:00 am.

**Offence**

26. Every person who violates this Bylaw commits an offence and is liable upon conviction to a penalty not exceeding \$5000 and the cost of prosecution.

**Severability**

27. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

READ A FIRST TIME THIS DAY OF MAY 2020.

READ A SECOND TIME THIS DAY OF MAY 2020.

READ A THIRD TIME THIS DAY OF MAY 2020.

ADOPTED THIS DAY OF MAY 2020.

\_\_\_\_\_  
Presiding Council Member

\_\_\_\_\_  
Corporate Officer