

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Consolidated Sidewalk Seating Program Guidelines 2020
Department: Real Estate

Recommendation:

THAT Council receive, for information, Consolidated Sidewalk Seating Program Guidelines 2020 report from the Real Estate department dated June 1, 2020;

AND THAT Council endorse the Consolidated Sidewalk Seating Program Guidelines 2020 as outlined in the report from the Real Estate department dated June 1, 2020, which replace the Consolidated Sidewalk Seating Program Guidelines 2019;

AND FURTHER THAT Bylaw No. 12045 being Amendment No. 38 to Traffic Bylaw No. 8120 be given reading consideration and final adoption

Purpose:

To give reading consideration to amending Bylaw No.12045 to support the Consolidated Sidewalk Seating Program Guidelines 2020 governing the patio program during the 2020 summer season

Background:

On May 25th, Council endorsed staff's recommendations to use the existing patio permit program to:

1. Close a portion of Bernard Avenue to vehicular traffic and expand the principles of the sidewalk seating program over the entirety of the roadway; and
2. Create a Public Space Task Force authorized to review and approve appropriate requests for the temporary use of public lands throughout Kelowna (such as plazas, parks, parklets, roads, etc.) in a manner that is consistent with the intentions and general guidelines of the existing patio program.

Discussion:

While applications for patios, whether on Bernard and other areas of the City, will follow most of the Consolidated Sidewalk Seating Program guidelines, minor amendments are required to ensure that participants have a clear understanding of the program.

Recommendations:

Staff are recommending the proposed "Consolidated Sidewalk Seating Program Guidelines 2020" supersede the Consolidated Sidewalk Seating Program Guidelines, endorsed by Council in April 2019.

The changes proposed in the "Consolidated Sidewalk Seating Program Guidelines 2020" are tracked and shown in Schedule A.

As summary of the changes are outlined below:

- 1) Addition of a new definition and classification for the new "Temporary Bernard Roadway Patio",
- 2) Reducing the Application and Amendment fees to \$100.00 for 2020;
- 3) Confirming use Modu-Loc VIP fencing for licensed seasonal patios for the summer of 2020 only;
- 4) Addition of three new clauses:

Drinkware – Permit Holders who are Food and Liquor Primary Licensees must serve beverages in plastic drinkware when it is to be consumed within a Temporary Bernard Roadway Patio. Glass drinkware will continue to be allowed within Normal Patio Permit Areas. Other Permit Areas may be allowed or denied use of glass drinkware at the discretion of City staff.

Liquor Service - Permit Holders who are Food and Liquor Primary Licensees shall not allow any person other than employees to transfer liquor between the establishment and the Temporary Bernard Roadway Patio.

Shoplifting Prevention - Permit Holders are advised to implement appropriate security measures to deter and prevent shoplifting, such as; managing adequate staffing levels to monitor merchandise, use of security cables and maintaining clear sight lines to merchandise displayed within Permit Areas.

- 5) A new application form; and
- 6) Confirmation that the per square foot rate for the patio fees has been reduced by 50% for the 2020 season.

Staff are also recommending the following bylaw changes as shown in Bylaw No. 12045 and outlined below:

- 1) Addition of a new definition for the Temporary Bernard Roadway Patio;
- 2) Addition of a subsection 7.1.5 B which describes the Temporary Bernard Roadway Patio; and;
- 3) Amendment to Schedule A to reflect the reduced fees;

Conclusion:

The proposed changes to the guidelines and bylaws will allow staff to implement the temporary expansion of the City's Sidewalk Patio Program approved on May 25, 2020. Should Council endorse

staff's recommendations, implementation would be effective immediately for implementation of the proposed patio program.

Internal Circulation:

City Clerk's Office

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
External Agency/Public Comments

Submitted by: J. Adamson, Manager, Property Management

Approved for inclusion: J. Saufferer, Department Manager, Real Estate

- Attachments:
1. Schedule A – Consolidated Sidewalk Seating Program Guidelines 2020 – blackline version - tracked changes
 3. Schedule B– PowerPoint Presentation