

REPORT TO COUNCIL



Date: March 8, 2021
To: Council
From: City Manager
Department: Development Planning
Subject: Temporary Outdoor Patio Program

Recommendation:

THAT Council authorize the temporary delegation of authority to the Divisional Director of Planning and Development Services to review and approve expanded patio areas on private property as it relates to the City of Kelowna Temporary Outdoor Patio Program until October 31, 2021;

AND THAT Bylaw No. 12181, being Amendment No. 9 to the Development Applications Procedure Bylaw No. 10540, be forwarded for reading consideration.

Purpose:

To request temporary delegation of authority by the Divisional Director of Planning and Development Services for the Temporary Outdoor Patio Program on private property until October 31, 2021.

Background:

In response to the covid19 pandemic, the Liquor and Cannabis Regulation Branch (LCRB) provided authorization for food primary, liquor primary and manufacturing licenses to temporarily expand service areas until October 31, 2020. These measures allowed businesses to expand existing service areas without reducing occupancies while maintaining appropriate distancing and compliance with provincial health regulations. Authorization given by LCRB was to permit expanded service areas only and would not expand the overall occupancy of the establishment.

In response, the City of Kelowna created the Temporary Outdoor Patio Program to support businesses on private property only. This program was intended to provide a cost-effective (no fees) and streamlined process to increase outdoor patio and retail space on a temporary basis until October 12, 2020. Staff ensured patio areas were adequately screened with landscaping and fencing to ensure safe gatherings for patrons and separation from vehicle and pedestrian traffic. Between June to October 2020, staff approved 33 temporary patios on private property. On October 5, 2020, City Council rescinded the delegated authority of the Divisional Director for liquor license applications, which included the Temporary Outdoor Patio Program.

Proposal:

The LCRB has notified local governments that they are extending their temporary expanded service areas until October 31, 2021. As a result, Staff are seeking for the Divisional Director of Planning and Development Services to again be able to review and approve Temporary Outdoor Patios until the same time. This delegation of authority would be limited to Temporary Outdoor Patios only. Any increase to liquor occupancy, change of hours or requests for permanent service areas would be brought to Council through a Liquor License Application. The Temporary Outdoor Patio Program will have the same requirements and process as the Temporary Outdoor Patio Program in 2020, including no fee. The Temporary Outdoor Patio Program expired on October 12, 2020 and businesses that applied under last year's program would need to reapply to receive approval for 2021.

Conclusion:

Given the recent changes to provincial regulations, as well as the success of the Temporary Outdoor Patio Program on private property in 2020, Staff are seeking to extend the City's Temporary Outdoor Patio Program until October 31, 2021 and to permit the Divisional Director of Planning and Development Service the delegated authority to approve these applications.

Report prepared by:	Jason Issler, Planning Technician II
Reviewed by:	Jocelyn Black, Urban Planning Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager