

TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 April 12

FROM: GENERAL MANAGER ENGINEERING **FILE:** 37500 -14

SUBJECT: ACTIVE SIDEWALKS/PATIO PROGRAM

PURPOSE: To inform Council of the development of a new permanent city-wide Active Patio Program and the proposed extension of the current Active Sidewalks Program to 2022 October 31.

RECOMMENDATION:

1. **THAT** Council receive this report for information and approve the extension of the current offsite pandemic response measures (Active Sidewalks Program) to 2022 October 31 in areas with minimal impacts to traffic and transportation safety as determined by the General Manager Engineering.

REPORT

1.0 INTRODUCTION

The Provincial Health Officer set out restrictions and guidelines regarding physical distancing to help stop the spread of COVID-19. As part of the response, the City created the Active Sidewalks Program to help businesses maintain physical distancing while continuing operations and providing services. Many businesses used the Active Sidewalks program to create outdoor patio seating on sidewalks and road allowance. The Active Sidewalks Program expires on 2022 June 01, but there are locations where these temporary patios have helped businesses meet pandemic restrictions with minimal impact to traffic and transportation safety. Staff intend to extend the Active Sidewalks Encroachment Agreements to 2022 October 31 only in areas where there is minimal impact to traffic and transportation safety. This extension will provide businesses and staff time to create a permanent Active Patio Program without disruptions to the expanded service areas.

2.0 POLICY SECTION

Goal

- A Safe Community
 - Emergency preparedness –
Enhance plans, procedures and services so that we are better prepared to respond to emergencies and are able to maintain City services
 - Transportation safety –
Make City streets, pathways, trails and sidewalks safer
- A Connected Community
 - Social connection –
Enhance social connections throughout Burnaby
 - Partnership –
Work collaboratively with businesses, educational institutions, associations, other communities and governments
- An Inclusive Community
 - Celebrate diversity –
Create more opportunities for the community to celebrate diversity
 - Serve a diverse community –
Ensure City services fully meet the needs of our dynamic community
 - Create a sense of community –
Provide opportunities that encourage and welcome all community members and create a sense of belonging
- A Healthy Community
 - Healthy life –
Encourages opportunities for healthy living and well-being
 - Community involvement –
Encourage residents and businesses to give back to and invest in the community
- A Dynamic Community
 - Economic opportunity –
Foster an environment that attracts new and supports existing jobs, businesses and industries

3.0 DISCUSSION

On 2020 May 22, the Liquor and Cannabis Regulation Branch (LCRB) approved a new Policy Directive to issue Temporary Expanded Service Area authorizations (TESA) to food primary, liquor primary, and manufacturing licences. This authorization has permitted licensees to temporarily expand their service areas to serve liquor, provided that the

approved patron capacity of the establishment remains unchanged. At the time it was determined that the TESA provision in the Liquor Control and Licencing Regulations (LCLR) would be repealed on 2021 October 31.

On 2021 June 15, the LCRB approved a new Policy Directive to defer the repeal of TESA provision in the Regulation until 2022 June 01. To support the implementation of the LCRB policy, staff have been granting encroachment agreements through the Active Sidewalks Program to allow temporary use of sidewalks and road allowance for expanded service areas. The encroachment agreements are in effect until 2022 June 01. This date was determined to be in line with the TESA provisions in the LCLR.

On 2022 April 04, the LCRB approved Policy Directive No. 22-05 to amend LCLR section 109.5 to defer the repeal of TESA provision in the Regulation until 2023 March 31.

The purpose of this extension is to:

- support the delivery of the Minister of Public Safety and Solicitor General's mandate commitment to make TESA authorization permanent; and
- provide additional time for licensees to apply to LCRB and the local governments for a permanent expansion to service areas, and reduce the risk of disruption in the use of the expanded service areas during the application process.

To continue to support businesses and establishments in Burnaby and facilitate the implementation of the LCRB's recently approved policy, staff intend to extend the current Active Sidewalks encroachment agreements to 2022 October 31 only in areas where there is minimal impact to traffic and transportation safety at the discretion of the General Manager Engineering.

One of the purposes of this extension is to allow businesses and establishments to continue operations within their currently approved expanded service area without any disruption to their services while staff continue to work on developing the permanent, city-wide Active Patio Program. A permit-based application framework with a consistent set of evaluation criteria and associated fees is currently being developed. The permanent Active Patio Program is anticipated to launch in spring 2023 with an expanded scope of program that will include provisions for a wider range of permissible public realm applications and activities.

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4.0 RECOMMENDATION

Staff recommend that Council receive this report for information and approve the extension of the current offsite pandemic response measures (Active Sidewalks Program) to 2022 October 31 in areas with minimal impacts to traffic and transportation safety as determined by the General Manager Engineering. Given the success of the use of sidewalks and road allowance for expanded business service areas for pandemic reopening measures, staff are working on developing a permit-based application framework for a permanent Active Patio Program with consistent evaluation criteria and associated fees.



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PS/nh

Copied to: General Manager Planning and Development
General Manager Community Safety
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City Solicitor
Director Engineering Transportation