



MEMORANDUM

May 3, 2006

TO: Vancouver City Council

CC: Judy Rogers, City Manager
Jacquie Forbes Roberts, General Manager of Community Services
Jamie Graham, Chief Constable

FROM: Tom Timm, General Manager of Engineering Services

SUBJECT: Motion Regarding Patio Bylaw Review

Council, in committee this Thursday, will be considering a motion on notice that would direct staff to review the impact of expanding the Sidewalk Café Program to neighbourhood pubs and hotel pub/lounges, and also relax enforcement of the by-law while this review takes place.

In considering this motion Council should be aware that:

- This same issue was reviewed by staff, and considered by Council in 1997. At that time, staff, including the Chief Constable, City Engineer, Directors of Planning and Social Planning and the Health Board opposed this idea and Council did not approve it.
- The issues to be considered in such a review are broad ranging and would involve a significant staff effort and solicitation of public input. The growing residential communities in our mixed use communities would likely be opposed to the suggestion on the basis of noise concerns and should be consulted.
- We are currently in the process of taking enforcement action against one existing patio at a pub, although clearly there is interest from other pubs and hotels if the rules are changed
- Relaxation of enforcement while a review is ongoing would very likely result in the construction of additional patios over the summer months.
- The review would not be done quickly.
- Staff would not be in a position to deal effectively with complaints resulting from patios under Council's instruction to relax enforcement, particularly with respect to noise and rowdy behaviour.

Acknowledging that the previous Council decision on this issue is almost nine years old, the issues remain essentially the same. Hotel owners did not support the Council decision at the time, and continue to be the ones asking for a review. Staff also still have the same concerns.

Due to these concerns, if Council wishes to instruct staff to carry out a review, I would not recommend that Council instruct staff to relax enforcement while the review is ongoing. The removal and reinstallation cost to the pub owner that is currently the subject of enforcement action, if the review results in a change in policy, would be minimal.

If Council is interested in considering a review, I would put the following alternative resolution forward for your consideration:

“That Council request staff to report back on a process to review the impact of expanding the Sidewalk Café Program to neighbourhood pubs and hotel pub/lounges, including costs, timelines, and the recommended scope of public consultation.”

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