



CITY OF VANCOUVER

POLICY REPORT LICENSING

Report Date: March 30, 2007
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Meeting Date: April 17, 2007

TO: Standing Committee on Transportation and Traffic

FROM: General Manager of Engineering Services in consultation with the Director of Planning and the Chief License Inspector

SUBJECT: Expansion of Sidewalk Patio Program

RECOMMENDATION

- A. THAT liquor primary establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to the following additional restrictions which would apply to liquor primary patios on both public and private property:
- Requirement to have provision for serving food (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase
 - Closing time of no later than 11pm
 - Outdoor seating limited to 20% of total seating capacity
 - No sidewalk patios adjacent liquor establishments in the 700, 800 and 900 blocks of Granville.
- B. THAT the approval process and application fees for specific patio applications adjacent to liquor primary establishments on public property be the same as those for approval of private property applications, requiring public consultation and Council approval.

- C. THAT the General Manager of Engineering Services be authorized to enter into license agreements with owners of liquor primary establishments for sidewalk patios subject to an initial one-year term, and terms to the satisfaction of the Director of Legal Services.
- D. THAT the General Manager of Engineering Services report back to Council on any problems that may arise with liquor primary patios on City property.
- E. THAT a one-year temporary full-time Planning Analyst position be approved to process applications for sidewalk patios from liquor primary establishments subject to classification by the Director of Human Resources, the \$58,400 (\$34,100 in 2007 and \$24,300 in 2008) cost of this position to be covered by an increase in revenues associated with an increase in the number of new liquor license applications for patios.
- F. THAT a mandatory closing time of 11pm be applied to all restaurant sidewalk patios (both public and private property).
- G. THAT application fees for large sidewalk patios for restaurants on public property be increased from \$100 to \$200.
- H. THAT the summer and winter terms for sidewalk patios on public property be adjusted as follows with no net change in the annual rate:
- Summer term - Increased from 6 to 7 months (April 1st to October 31st), with a fee of \$6.00/sq.ft (Downtown) and \$4.26/sq.ft. (Outside downtown)
 - Winter term - Reduced from 6 to 5 months (November 1st to March 30th), with a fee of \$4.28(Downtown) and \$3.04/sq.ft (Outside downtown).
- I. THAT the net surplus (as detailed in the Financial Implications section Table 4) of \$24,900 be added to Contingency Reserve for 2007 and that the future net surpluses of \$18,200 in 2008 and \$9,500 ongoing be added to the operating budget without offset.
- J. THAT sidewalk patios on public property be permitted to erect transparent wind barriers on the sides of the patio and place outdoor space heaters subject to meeting building code and fire by-law requirements and provincial smoke-free regulations.
- K. THAT the current sidewalk patio guidelines be relaxed to allow flexibility in locating sidewalk patios in areas closer to the curb and away from buildings subject to review on a case by case basis.

COUNCIL POLICY

Outdoor patios on public property (City streets) are permitted through license agreements subject to meeting Council-approved guidelines, including the requirement that the business be licensed as a limited service food establishment or restaurant.

Outdoor patios on private property adjacent to liquor primary establishments require amendments to existing Liquor Primary liquor licenses that are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

SUMMARY

This report recommends a policy change to allow sidewalk patios on public property adjacent to liquor primary establishments. The public consultation process undertaken indicates that there is support for this change, subject to conditions being placed on the approval to minimize the potential for negative impacts associated with noise and other issues. Therefore, the policy proposes conditions that require food service capability, limits on hours of operation, and limits on the amount of patio seating.

The proposed approval process for these patios would be the same as the liquor licensing approval process currently used for private property patios. This requires a public consultation and Council approval. Subject to approval, patios on public property would be subject to license agreements with an initial one-year term. The creation of a temporary Planning Analyst position is being recommended to assist with an expected increase in the number of applications further to the policy change. The cost of this position will be funded through revenues from an increase in the number of applications based on the current liquor license application fees and will return a small net surplus to the operating budget.

Some changes to the current sidewalk patio program for restaurants are also proposed to facilitate additional weather protection for patrons, and to extend the summer patio term from 6 to 7 months to reflect the demand from business owners.

PURPOSE

This report proposes some changes to Council policy on sidewalk patios to encourage an expansion in the number of patios. This responds to the following Council motion approved on July 18, 2006:

“THAT staff be requested to report back on a process that significantly expands the patio program in the city.”

BACKGROUND

The City has supported the development of sidewalk patios since the early 1970s. This program helps animate the City’s streetscapes and provides a way for residents and tourists to enjoy outdoor spaces.

1. Program Growth

Figure 1 shows the growth in the number of patios on public property. The graph shows a tremendous increase in the numbers of patios since the program was initiated in the early 1970s and expanded with a small patio program in 1994. Over the last 8 years, program growth has averaged 12% per year. Historical information is not available for private property patios.

Figure 1 - Growth in Sidewalk Patios (Public Property)

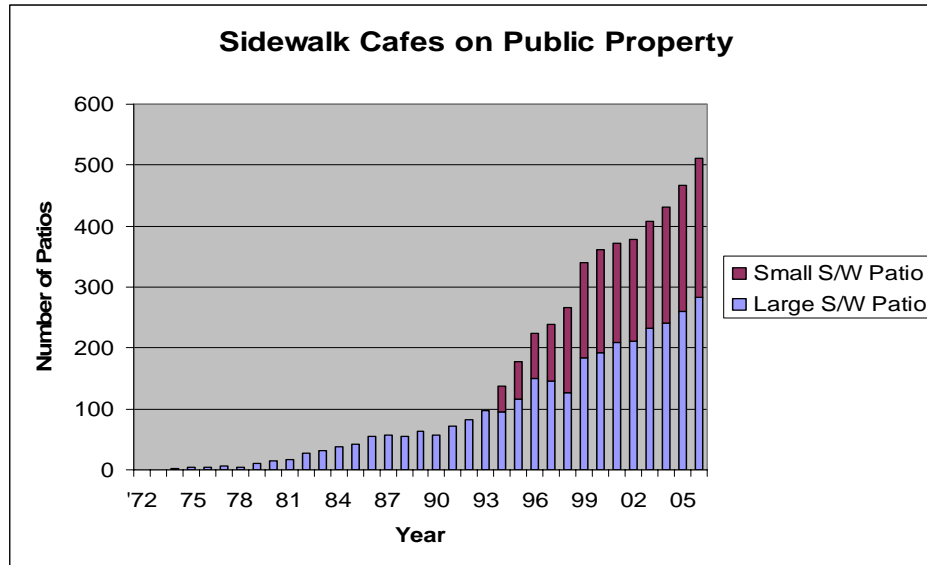


Table 1 shows the current number of approved public and private property patios. This table shows that approximately 61% of all restaurants in the City already have an outdoor patio. Approximately 14% of liquor primary establishments have outdoor patios on private property. Current Council policies prohibit sidewalk patios on public property adjacent to liquor establishments (pubs, bars, lounges, etc).

Table 1 - Approved Patios

	Patios			Total Licenses	% with patios
	Public Property	Private Property	Total Patios		
Restaurant	542	332	874	1426	61.2%
Liquor Primary	0	39	39	231	13.8%
Total	542	371	913	1657	55.1%

These figures indicate that there is a strong demand for patios on the part of restaurant owners and the public. The lower number of patios adjacent to liquor establishments is attributable, in part, to the fact that patios are not permitted on public property.

Staff reviewed waterfront patios at restaurants along Coal Harbour, English Bay and False Creek. Of 36 restaurants with a waterfront view, 32 (89%) had a sidewalk patio. This is indicative of the strong desire on the part of restaurants with views to have outdoor patios.

2. Current Approval Processes

Current patio approval processes for restaurants and liquor establishments are summarized in Table 2. Restaurant patios on public property are approved by the City Engineer based on Council-approved guidelines, while patios on private property require a development permit and are approved through the Community Services Group.

Table 2 - Current patio approval processes

	Restaurants	Liquor Primary
Public Property	-License Agreement -Liquor license (if serving)	-Not permitted
Private Property	-Development Permit -Public process -Liquor license (if serving liquor) -Provincial approval (if serving liquor)	-Development permit -Public process -Liquor License -Council approval -Provincial approval

Public property restaurant patios must comply with Council-approved guidelines as detailed in Appendix 1. These guidelines require payment of fees for use of City space, set limits on hours of operation, require sufficient unobstructed sidewalk width for the comfortable passage of pedestrians, and require an 'open' appearance with no front or side enclosures. Public property patios do not require a public input process prior to approval. Under the current license agreement, the City Engineer has the authority to cancel the agreement with seven days notice. This provides an effective way to deal with public noise concerns or other issues with the operation of the patio if the business owner is uncooperative.

Private property restaurant patios usually require a public consultation process as part of the approval process if there are likely to be neighbourhood impacts. All restaurant patio proposals are reviewed to confirm occupancy loading limits for the establishment are not exceeded. Approval is granted through time-limited development permits.

3. Liquor Licensing

Under current Council policy, outdoor patios adjacent to liquor establishments (lounges, bars, pubs, etc) are permitted on private property, but not on public property. In July, 1997, Council reviewed the possible expansion of the sidewalk patio program to downtown pubs and reconfirmed this policy based on concerns about noise and rowdy behaviour.

Approval of outdoor patios for liquor establishments on private property requires:

- Time-limited development permit
- Good neighbour agreement
- Public consultation

The approval process involves a review of public support/opposition, business history and background, proximity to residential development, proposed hours of service and community impacts. Hours of service are limited to 11pm or earlier. Each proposal is reported to City Council for a decision on whether to support or oppose the proposed patio liquor license. This decision is referred to the Provincial Government for a final decision on whether to issue the liquor license. Subject to approval of the liquor license, the City decides whether to approve a development permit for the patio.

Restaurant owners wanting to serve liquor in an outdoor patio must also obtain a liquor license from the Provincial Government. Under Provincial liquor regulations, restaurants may also designate up to 20% of their seating to lounge area and the lounge area may be located in an outdoor patio. Providing the liquor service ends by midnight, no formal consultation or Council resolution is required by the Province.

DISCUSSION

1. Results of the consultation process

Staff conducted an extensive stakeholder consultation process, the results of which are detailed in Appendix 2. This included meetings with industry and other groups, a public open house, a public opinion survey of 300 Vancouver residents, and the distribution of a background paper and survey questionnaire to 27 resident and neighbourhood associations and 33 business associations.

The following summarizes feedback received:

Resident Stakeholders

Based on the results of the public opinion survey, the open house and feedback from resident and neighbourhood associations, a clear majority of residents support an expansion of the sidewalk patio program. There is also support for allowing liquor establishments to have outdoor patios, although not overwhelmingly so (51% support vs 42% oppose based on the public opinion survey done by the Mustel Group).

There are a number of shared concerns among residential stakeholders, the most common ones being the amount of sidewalk space taken up by patios, noise from patios, and smoke from patio areas.

Feedback received suggests that support among residents for patios adjacent to liquor primary establishments would be higher if conditions were set to minimize some of the negative impacts. Conditions suggested include:

- Requiring food service
- Limiting hours of operation
- Additional restrictions for patios in proximity to residential development
- A consultation process prior to approval of individual patios
- Requiring adequate space on sidewalks for pedestrians
- Adequate enforcement of non-compliance

Business Associations

In response to the background paper and questionnaire sent to 33 business associations, one response was received from the Downtown BIA suggesting that the playing field should be even so that liquor establishments can seek a permit to place an outdoor patio on public property with the same conditions that are placed on those on private property.

Industry Stakeholders

Feedback from industry stakeholders was obtained through meetings with the B.C. Restaurant Association, the Association of Beverage Licensees (ABLE) and through interviews with 15 businesses with restaurant patios.

Restaurant owners' main interests are: providing additional opportunities to add weather protection for patrons, allowing greater flexibility in placing patios in areas not directly adjacent to the business, allowing patios to remain open past 11pm and maintaining a reasonably expedient and cost effective approval process for new patio applications.

ABLE (representing liquor primary establishments) feel that liquor primary establishments should be permitted to have patios on public property and that these should be permitted to remain open past 11pm to more closely reflect operating hours of the establishment. This group also supports a requirement that food service be available to the patio of the establishment.

Other Groups

Staff met with a representative of Mothers Against Drunk Driving (MADD) and received a letter from this organization. With respect to policy on sidewalk patios, MADD have suggested a limit on late hour closings and on the number of patios per area/neighbourhood.

2. Survey of Other Cities

The patio regulations of 9 North American cities were surveyed (5 Canadian and 4 American) and results are detailed in Appendix 3. Some of the main findings were:

- All cities surveyed allow patios outside pubs/lounges
- Most cities discourage enclosure of patio areas, but permit awning covers
- A closing time of 11pm is common with some cities allowing extensions (Calgary, Edmonton) subject to a public process, and some requiring earlier closing times or restrictions on patio areas in close proximity to residential areas
- Most cities require sidewalk clearances of at least 6-8 feet to be maintained

- Fees charged for use of public space vary considerably. Some cities charge market rates for use of the space while some charge nominal fees to encourage the development of outdoor patios

3. Smoking issues

The provincial government has announced that it will ban smoking in all indoor public areas, including indoor smoking rooms in liquor establishments, by mid-2008. This will increase incentives for liquor primary establishments to have outdoor patios for their smokers. Included in this announcement was the intent to prohibit, by regulation, smoking at or near (still to be defined, but likely 3 metre to 6 metre radius) entryways, doors, windows and air intakes. Depending on location of patios, this provincial regulation may severely restrict the option of allowing patrons to smoke on patios. There is no stated intent by the province to prohibit smoking on patios, but the Minister of Health did indicate that local government could further regulate, including prohibit, smoking on patios under local government by-laws.

The Director of Health Protection for the Vancouver Coastal Health Authority will be bringing forward a report recommending further smoking restrictions beyond those contemplated by the province, including banning smoking in outdoor patios. If Council approves this ban, then the smoking issue will not factor into the decision by the owner of a liquor establishment on whether to seek approval of an outdoor patio.

ALTERNATIVES/OPTIONS

Based on the background and Council direction, the following issues have been identified:

- How the City can encourage more outdoor patios
- How to deal with potential negative impacts (noise, rowdy behaviour, take up sidewalk space, etc)
- Inequities between restaurants and liquor establishments (restaurants can serve liquor on patio areas while liquor primary establishments cannot do so on public property and require more extensive review and Council approval for private property patio areas)
- Inequity between private and public property (liquor establishments can have patios on private property, but not on public property)

The City's role is to facilitate the development of patios that meet the intent of the program, which is to encourage a vibrant streetscape and opportunities for people to socialize in an outdoor environment. This needs to be balanced against competing demands for public space and the potential negative impacts related to noise and other issues.

Given the intent of the program, sidewalk policy should support the development of outdoor patios in ways that do not simply result in the enclosure of outdoor space for private use. On private property, building owners do have the option of expanding interior space, but these types of building expansions are subject to Zoning & Development regulations and are more difficult to achieve.

1. Liquor Primary Establishments

Allowing liquor establishments to have patios on public property would support the objective of increasing the number of outdoor patios in the City. Based on the results of the public opinion survey and public consultation and trends in other cities, there appears to be general public support for this option subject to establishing conditions that deal with potential noise and other concerns.

It is recommended that liquor establishments be permitted to place patios on public property subject to the same process currently used for liquor license approval on private property, and applying the current Council-approved guidelines that apply to restaurant patios on public property. Further, it is proposed that the following additional restrictions be placed on all outdoor liquor primary patios (private and public) to limit the potential for negative impacts of outdoor patios:

- Requirement to have provision for serving food (Provincial food premises operating permit from Vancouver Coastal Health)
- Mandatory patio closing time of 11pm
- Outdoor seating limited to 20% of total seating capacity
- No sidewalk patios adjacent liquor establishments in the 700, 800 and 900 blocks of Granville

These restrictions would be incorporated into the license agreements for liquor primary patios on public property and would be limited to one year initially.

The approval process would require public input for each application, and a report to Council for a staff recommendation on whether to endorse the liquor license application to the Provincial government. If approved by Council, the establishment would be required to sign a one-year license agreement. After the initial year, staff will review experience with the operation of the business and assess whether to further extend the license agreement. If there are significant problems, staff will determine whether or not to renew the license application and if so, whether to require further public consultation and further restrictions to the conditions of the patios license agreement (eg- closing times earlier than 11pm).

A restriction on patios in the Granville Entertainment District (700, 800 and 900 blocks of Granville Street) is proposed given the issues with rowdy behaviour, crowding on sidewalks and potential for violations of liquor permit conditions. Also, there is a moratorium on new and amended liquor licenses in the downtown eastside, so no patio permits will be issued for liquor primary establishments in that area until the moratorium is lifted. No motion is required since Council's moratorium is current Council policy.

It is estimated that the proposed policy change could result in up to 50-80 additional sidewalk patios being created adjacent to liquor primary establishments. Many establishments would not meet the proposed conditions of the new policy, would be unable to locate patios on the sidewalk due to space constraints, or would not want patios for business reasons (eg-later operating hours).

It is proposed that staff monitor the situation and report back on any problems that arise with liquor primary patios on public property. This would be done either through reports back on individual establishments or if necessary, on the policy issues.

Comments from the Vancouver Police Department:

The Police do not take issue with the expansion of sidewalk patios in the City at those premises and locations where it is appropriate. We support the reports findings that patios should not be allowed at liquor establishments in the 700, 800 and 900 blocks of Granville Street and that all patios have a mandatory closing time of 11 PM. We strongly recommend that at the start of the warmer summer months an Inspector work during the evenings to monitor the patio situation and educate the owners and staff of their obligations and if necessary as a last resort take enforcement action. Most of the complaints that the Police deal with is noise coming from patios, especially those that do not close when required or where patrons use them as smoking areas after they close. The Police have limited enforcement powers dealing with patios and since most of these calls come in after 11 PM when our resources are already stretched it would be more appropriate for the complaint to be forwarded to an Inspector that could deal with the problem directly.

2. Restaurants

It is expected that the number of sidewalk patios outside restaurants will continue to increase with no further policy changes, but that previous growth rates will level off given that the majority of restaurants already have some form of outdoor patio. Many restaurants are also subject to private site constraints that preclude the option of sidewalk patios.

Based on feedback from the BC Restaurant Association, three changes to the City's sidewalk patio guidelines are recommended to facilitate sidewalk patios in an outdoor environment and to allow greater flexibility in the placement of patios. The proposed changes are:

- Permit transparent windbreaks on the ends of the patio to provide improved weather protection, subject to meeting the requirements of the building code and provincial smoke-free regulations, which will apply to any structure that is "substantially enclosed"
- Permit outdoor space heaters (either freestanding or suspended from canopies) subject to meeting the building code and fire department requirements.
- Permit greater flexibility in the location of the patio. The current requirement is that the sidewalk patio be adjacent to the building of the restaurant. Staff would consider the merits of each proposal taking into account pedestrian movements and conflicts with other sidewalk uses. This could result in patios being located adjacent to the curb where there is enough space on the sidewalk.

The current Council guidelines for sidewalk patios on public property require a closing time of 11pm if a patio is within 200 ft of areas that have residential uses. To limit impacts of outdoor patios it is recommended that the 11pm closing time apply to all patios, both on public and private property regardless of the distance to the nearest residential uses. Subject to review of applications and experience with individual businesses, an earlier closing may be mandated taking into account noise issues and neighbourhood impacts.

With respect to waterfront areas, the City's development policies encourage a mix of uses, including retail/commercial in waterfront areas, and this should result in an increase in sidewalk patios as more restaurants develop in these areas. For example, the Southeast False Creek Official Development Plan encourages retail and service uses, including restaurants, in the waterfront area "to pursue an active water's edge as a lively destination".

3. Fees

Annual Fees

Vancouver's annual fees for use of sidewalk space for sidewalk patio space are lower than the market rates charged by some larger cities such as Toronto and New York, but are higher than the nominal fees charged in some other cities. A review of store front rental rates in different areas of the City indicate that the City's current annual fees for sidewalk patios range from 10% to 50% of interior street front rental rates depending on location, with 20% being typical. The City's current annual fees were not identified as a concern by the business owners contacted by staff. Given the intent to support the expansion of sidewalk patios in the City, it is recommended that the annual fees not be changed at this time.

Restaurant owners have the choice of operating during a 6 month summer term and/or a 6 month winter term. The summer term ends on September 30th. Most restaurant owners(88%) opt for year-round operation. Staff find that there is demand from restaurant owners that opt out of the winter term to stay open through October. Staff currently spend time enforcing the removal of patios during this month for some of those restaurant owners. To make the terms more reflective of the summer and winter demand, it is proposed that the summer and winter terms be changed to 7 months and 5 months respectively, with fees for those terms being adjusted to reflect the same annual fees currently in place.

Application Fees

It is proposed that the application fees for liquor primary sidewalk patio applications on public property be the same as the current liquor license application fees for private property. These fees are currently as follows:

Table 3 - Liquor license application fees

Process	Application Fee	
	Increment	Total
Base Fee	\$750	\$750
Neighbourhood Notification	\$900	\$1650
Public Meeting	\$1550	\$3200
Telephone Survey	\$850	\$4050

The application fee for large sidewalk patios for restaurants on public property(\$100) has not been adjusted since 1994. It is proposed that this fee be increased to \$200 to more closely reflect staff time spent reviewing these applications.

FINANCIAL IMPLICATIONS

The proposed policy change to allow patios adjacent to liquor establishments will result in an increase in liquor license applications. The creation of a one-year temporary Planning Analyst position in Community Services as noted in the Personnel Implications section is being recommended. Offsetting this cost will be additional revenues from liquor license application fees based on an increase in the number of applications.

Additional revenues will also result from the proposed increase in the application fee for restaurant patios on public property, and the proposed extension of the summer term from 6 to 7 months.

The net impact to the Operating Budget compared to the current 2007 budget is identified in Table 4.

Table 4 - Operating Budget Impact

	2007 Operating Budget Impact	2008 Operating Budget Impact	Ongoing Budget Impact
1. Costs			
One-year TFT Planning Analyst (pg 24) (7 mos in 2007, 5 mos in 2008)	\$34,100	\$24,300	\$0
2. Revenues			
Liquor application fees (increase in number of applications by 30 in 2007, 20 in 2008 @ \$1650 each)	(\$49,500)	(\$33,000)	(\$0)
Increase in restaurant application fees from \$100 to \$200 @ 20 appl/yr	(\$2,000)	(\$2,000)	(\$2,000)
Increase in annual fees due to extension of summer restaurant patio term	(\$7,500)	(\$7,500)	(\$7,500)
Net Operating Budget Impact	(\$24,900)	(\$18,200)	(\$9,500)

PERSONNEL IMPLICATIONS

It is anticipated that there will be a high level of demand for new sidewalk patios adjacent to liquor primary establishment within a few months of the proposed policy change. To deal with this short-term demand, it is proposed that a one-year temporary Planning Analyst position be created to assist with the processing of these applications.

ENVIRONMENTAL IMPLICATIONS

Expanding the number of sidewalk patios ties in with the goals outlined in the EcoDensity Initiative, which aim to introduce more high quality public amenities in neighbourhoods throughout the City.

SOCIAL IMPLICATIONS

Patios can enhance social interactions and add to the streetscape. Social Planning supports expansion, provided that the design and operation does not negatively affect pedestrians or adjacent residents.

CONCLUSION

Given the public feedback received on the issue of sidewalk patios, there appears to be a greater level of support for patios adjacent to liquor primary establishments compared to the last time this issue was reviewed by Council. Therefore, staff are recommending a policy change to allow this and additional measures to facilitate an increase in the number of sidewalk patios. However, there are concerns around the operation of patios and so the policy recommendation includes a number of measures intended to minimize the potential for negative impacts.

* * * * *

Current Sidewalk Patio Guidelines

The guidelines for sidewalk patio design are quite general to encourage a variety of looks by restaurant owners. Each approved sidewalk patio shall:

1. Directly abut the restaurant so patrons and servers do not cross the flow of sidewalk pedestrian traffic.
2. Be adjacent to the restaurant's property (frontage or flankage).
3. Leave sufficient unobstructed sidewalk width for the comfortable passage of pedestrians. This will be a minimum of 2.5 m (8 ft.) in most commercial areas, and up to 3.7 m (12 ft.) or more in areas of high pedestrian volumes such as near intersections.
4. Have a mandatory closing hour of 11:00 p.m. if they are in, or within 200 feet of, areas that have residential uses.
5. Not block access to Fire Department connections or exits from the adjacent building.
6. Carry insurance satisfactory to the Director of Risk Management.
7. Be marked off by means of planters or railings that have an 'OPEN' appearance. Bollard and chain fencing is not permitted as it poses a hazard to pedestrians with a visual disability. The maximum height allowed is 1 metre (40") and the minimum is .75 m (30"). The use of plants is encouraged, although planters may not form a continuous solid barrier.
8. Be constructed so that it can be completely removed within 24 hours if required. Decks, platforms and structures are NOT permitted except to level a significant grade difference in the sidewalk or to harmonize indoor and outdoor seating levels.
9. Have some covering for the general seating area. Umbrellas may be used but may not be attached to railings. If a canopy or an awning is used, it may NOT use supports which rest on City street allowance and appropriate permits must be obtained.
10. After September 30th each year, restaurant owners may either:
 - a) leave only 3 tables and 6 seats, in accordance with the guidelines for small sidewalk patios, or
 - b) pay the winter term fee by October 1st if you wish to leave any railings or structures in place.
11. Have a valid business license as a restaurant or a limited service food establishment.
12. Obtain a liquor license extension if liquor is to be served in the sidewalk patio.
13. Enter into a license agreement with the City.
14. Pay an annual permit fee based on location and square footage (a \$100 non-refundable application fee is payable for new sidewalk patios)

Stakeholder Input

A. Residential

1. Public Opinion Survey

A public opinion survey was conducted by the Mustel Group to get feedback from Vancouver residents. A total of 300 residents were asked for their opinions on the numbers of sidewalk patios, concerns/issues, and thoughts on the idea of allowing patios adjacent to liquor establishments. The results can be summarized as follows:

- Nearly ¾ of adult Vancouver residents have used a sidewalk patio in the past year
- Most residents (79 %) have no concerns with existing sidewalk patios with some concern expressed about the amount of sidewalk space taken up by patios
- There is support for more sidewalk patios by a majority (71%) of those who use them
- Regarding the possibility of allowing patios adjacent to liquor establishments, there is somewhat more support than opposition, although not overwhelmingly so (51% support vs 42% oppose)
- Downtown residents are more supportive of patios adjacent to liquor establishments (64% support vs 32% oppose)

The Mustel Group notes that public support for expansion of sidewalk patios to liquor establishments could grow to as high as 68% if approvals were subject to conditions that deal with potential negative impacts of patios. Although the types of conditions suggested vary, the most commonly cited conditions are:

- Requirement to provide food service
- Limiting hours of operation
- Monitoring alcohol consumption
- Requiring barriers/railings to separate the patio from the sidewalk

The full results of the survey can be viewed at the following website link:
<http://vancouver.ca/engsvcs/streets/admin/pdf/COVOutdoorPatiosSurvey.pdf>

2. Public Open House

A public open house was held on March 12, 2007 at the Holiday Inn on West Broadway. Approximately 12 residents attended this open house to ask questions and return surveys asking for opinions on the City's sidewalk patio policy. The majority of those responding (83%) were in favour of expanding the number of sidewalk patios and in favour of permitting liquor establishments to have patios on public property. Concerns with outdoor patios were noted including noise, pedestrian clearances, access to public space, smoking and public input. Suggestions included encouraging more greenery, limited hours of operation in residential areas, avoid Granville Street type of environment, require food service, and limit noise from music.

3. Feedback from resident associations

In response to a background paper that was sent to 27 resident and neighbourhood associations, feedback was received from three associations. The Upper Kitsilano Residents Association conditionally supports an expansion in the number of sidewalk patios and the approval of sidewalk patios adjacent to liquor establishments. The Kits Point Residents Association does not support an expansion in the overall number of patios and opposes patios adjacent to liquor establishments. The West Kitsilano Residents association supports more patios but opposes patios adjacent to liquor primary establishments.

The three resident associations identified similar concerns related to potential noise issues, particularly in mixed-use areas later at night, the amount of sidewalk space taken up by sidewalk patios, and smoking from outdoor patios. Suggested conditions to apply to liquor primary patios, if the City allows this, include restricting patio hours to 11pm, no patios near residential suites, prohibit smoking on patios and a simple and clear consultation for individual applications.

B. Business Associations

In response to the background paper and questionnaire sent to 33 business associations, one response was received from the Downtown BIA suggesting that the playing field should be even so that liquor establishments can seek a permit to place an outdoor patio on public property with the same conditions that are placed on those on private property.

C. Industry

1. Restaurant Owner interviews

A total of 15 restaurant owners with outdoor patios (9 on private property, 6 on public property) were contacted to get their opinions on current approval processes and guidelines for the patio program. Feedback received was as follows:

Private property patios (9)		Public Property Patios (6)	
Would like longer operating hours	9	Would like opportunities to provide additional weather protection for patrons	6
Communication with City staff was good	8	Annual fees for use of City property are reasonable	5
Approval process takes too long	8	Like freedom of choosing between 2 terms (summer and winter)	5
Application fees were high	5	Approval Process was short	4
Remove neighborhood notification requirement	5	Would like longer operating hours	4
		Would like to leave railings up without paying fees in the winter term	4
		Informative application	4

2. B.C. Restaurant Association

Staff met with the B.C. Restaurant Association. They suggested greater flexibility in locating patios in areas not directly adjacent the restaurant building and being given some allowance for partial enclosures for weather protection of the patio area.

3. Association of Beverage Licensees (ABLE)

In a meeting with ABLE, this group suggested that the City should permit pubs/lounges with full kitchen facilities to have patios on sidewalks and that the patios be allowed to remain open past 11pm to lessen the gap between this time and the actual operating hours of the establishment. They also note that the smoking issue needs to be clarified with respect to impacts of the provincial government's indoor smoking ban to come into effect in 2008.

D. Mothers Against Drunk Driving (MADD)

Staff met with a representative of (MADD) and received a letter from this organization. With respect to policy on sidewalk patios, MADD would like a limit on late hour closings and on the number of patios per area/neighbourhood. They also made a number of suggestions to support their overall goal of stopping impaired driving. These suggestions include requiring liquor establishments to provide incentives to for patrons to drive sober and increasing traffic police enforcement. Copies of their letter were sent to the Licensing Department and the Vancouver Police Department. Staff also suggested that they contact industry groups with respect to education and cooperation.

Survey of Sidewalk Patio policies - Other Cities

	Vancouver	Calgary	Edmonton	Toronto	Ottawa	Montreal	Seattle	Portland	Chicago	New York
1. Fees										
Annual Fees for us of public space (\$ per sq.ft.)	\$10 (downtown) \$7.10 (other)	\$4.68	Flat fee of \$100 for 5 years	\$18.19 to \$72.69		Flat fee \$165/yr	Flat fee \$97 + \$1.56/sq.ft	Flat fee \$10/yr	Percent of land value	\$21-\$54
Application Fee	\$100	\$393	\$264	\$250			\$1250			\$445
2. Approval Conditions										
Patios permitted adjacent to liquor establishments on public property?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Latest closing time	11pm	Same as business hours	Same as business hours	11pm, variations (later or earlier, subject to approval)	11pm		11pm		11pm Weekdays 12am Fri, Sat	12am weekdays 1am Fri, Sat
Enclosures allowed?	No	No	No	Yes (temporary)	Partial			No	No	Yes
Awnings allowed?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Minimum sidewalk clearance	8ft	Staff discretion	5-10ft	7ft	6-8ft		5ft	6-8ft	6ft	8ft, max 50% of sidewalk
Flex patio locations (ie- by curb)?	No	No	No	No	Yes		No	Yes	Yes	No