

**Refers to Referral Report Item #2
Public Hearing of April 14, 2022**

MEMORANDUM

April 5, 2022

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Karen Levitt, Deputy City Manager
Armin Amrolia, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Director, Civic Engagement and Communications
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Jeff Greenberg, Assistant Director of Legal Services
Lon LaClaire, General Manager of Engineering Services
Andrew Law, General Manager, Development, Buildings & Licensing
Chris Robertson, Assistant Director, City-Wide & Regional Planning, Planning, Urban Design and Sustainability

FROM: Theresa O'Donnell
General Manager, Planning, Urban Design and Sustainability

SUBJECT: Zoning and Development By-law Amendments to support the Patio Program for Businesses on Private Property – Amendment to extension date

RTS #: 15004

This memorandum recommends a revision to the proposed Zoning and Development By-law amendment set out in RTS 15004: "Zoning and Development By-law Amendments to support the Patio Program for Businesses on Private Property". Staff recommend extending the proposed date for the allowance of outdoor patios on private property for businesses with patio restrictions until March 31, 2023 to allow staff and operators additional time to transition to a permanent patio program.

DISCUSSION

On March 1, 2022, Council referred the above-noted Zoning and Development By-law amendment to a Public Hearing. The proposed amendments extend provisions that allow

business subject to regulations within the Zoning and Development By-law that require a use to be contained within a building a pathway to operate a patio until October 31, 2022. During the 2021 Temporary Expedited Patio Program (TEPP), approximately three businesses took advantage of this provision.

After referral of RTS 15004, it was identified that additional time would allow for more flexibility to respond to evolving circumstances related to the pandemic and permitting. Staff is now recommending that the date be extended from October 31, 2022 to March 31, 2023. This extension will allow businesses to apply for a patio permit and continue to operate their patios during the 2022 patio season and beyond, while staff continue to work on developing permanent regulations to allow these patios. Further, this amendment would help to ensure no disruption to service until new regulations are brought forward.

This memo will form part of the April 14, 2022 Public Hearing agenda package and be available for public viewing.

RECOMMENDATION

THAT the following amendment be made to the Draft By-law to amend the Zoning and Development By-law in Appendix A (Red represents amendment):

“10.29A Temporary patios

- 10.29A.1 For the purposes of this section 10.29A, “temporary patio” means a patio permitted on a temporary basis only, for a period up to and including **October 31, 2022 March 31, 2023.**
- 10.29A.2 Notwithstanding a condition of use in a district schedule requiring that a use be carried on wholly within a completely enclosed building, the Director of Planning may permit a temporary patio to be carried on outside of a completely enclosed building.
- 10.29A.3 The Director of Planning may vary any regulation in a district schedule in order to enable the enclosure of a temporary patio.”

Council action is required to amend the proposed draft by-law to amend the Zoning and Development By-law No. 3575 at Public Hearing. Staff recommend that the following Recommendation for Public Hearing be moved instead.

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT Council approves, in principle, the application to extend regulations to allow patios for businesses on private property with patio restrictions until March 31, 2023;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law generally in

accordance with Appendix A, with the proposed change to section 2 of the Draft By-law referenced in the memo to Council.

B. THAT Recommendation A be adopted on the following conditions:

(i) THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

(ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and

(iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

Staff are proposing this amendment to the above-noted draft Zoning and Development By-law amendment to provide continued support to businesses during this time of economic recovery.

A handwritten signature in black ink that reads "Theresa O'Donnell". The signature is written in a cursive, flowing style.

Theresa O'Donnell
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