

Transportation Report to  
Strategic Meeting of Council  
2020 May 11

ISC: UNRESTRICTED  
C2020-0543

## **COVID-19 Relief Package to Support Temporary Patios**

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### **EXECUTIVE SUMMARY**

The COVID-19 Pandemic has had a deep impact on our city, our province and the world. The City of Calgary has been working to respond to the crisis by supporting citizens, businesses and organizations who have seen dramatic shifts in their every day lives. Recently, the Province of Alberta announced a Relaunch Plan to begin to recover from the pandemic, of which stage 1 could begin as early as May 14. Administration is responding quickly to put processes in place to ready our city for the first stage.

This report addresses one aspect of that recovery to support local restaurants and establishments to begin to resume normal operations under the guidelines established by the Medical Officer of Health. In time for the stage 1 relaunch, Administration is introducing a new process for approvals of temporary patios on public lands, as well as additional measures to process applications for those residing on private property. Temporary patios on public lands will allow existing food establishments to extend onto adjacent public road right of way by placing tables and chairs outside of their establishments. A temporary permission will be issued at no cost for the temporary patios. Establishments will be required to acknowledge several conditions within the temporary permission including protecting pedestrian accessibility, insurance, and indemnification. For those establishments who operate on private property, or a combination of private and public property, a development permit is required. Associated fees for these permits is subject to Fee Relief as of May 1, and these applications will be streamlined as much as possible.

Businesses with temporary patios will be required to follow Alberta Health requirements for relaunching as well Occupational Health and Safety requirements. If alcohol is to be served, establishments will be required to follow Alberta Gaming, Liquor & Cannabis (AGLC) requirements and permitting requirements. A building permit may be needed if structures are required for the temporary patio or if there is no exit directly to the street from the patio.

### **ADMINISTRATION RECOMMENDATION:**

That Council receive this Report for the Corporate Record.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2020 April 30, at a Strategic Meeting of Council, Administration was directed to return to the 2020 May 11 Strategic Council Meeting with a report on Municipal Relief.

### **BACKGROUND**

The City of Calgary is looking at various Municipal Relief Packages to aid on recovery from COVID-19. Stage 1 of the provincial relaunch plan continues to stipulate health regulations around physical distancing requirements needing to be met by restaurants. This could limit establishments that do not have the ample space to abide by the regulations. Administration explored options to assist businesses to obtain the space they need to operate on patios temporarily while Alberta begins its recovery.

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### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Administration considered options for use of public space that would allow restaurants to resume normal operations and still abide by provincial health regulations. Measures to support those establishments who reside on private lands have also been developed.

#### On-street Parking Space

Use of street parking for pedestrians will be explored with Business Improvement Areas (BIAs) and local businesses to allow expansion of temporary patios to curbs. Currently, on-street parking use has fallen dramatically as work, school, shopping and recreation trips have been curtailed. Business areas are seeing about 80 per cent less use of on-street parking space and many of the trips that are being made are short pick-up and delivery stops. This represents spare capacity in the parking system which can be reassigned in the short-term COVID-19 situation with little impact to parking supply. Parking and loading trade-offs will be examined in these situations and BIAs engaged to ensure there is support for the temporary patio installation.

#### Duration of Temporary Permissions

The temporary permission for patios will be valid until Stage 3 of the COVID-19 recovery is enacted or the end of 2020 patio season (whichever comes first). At that time, businesses will be required to apply for a Patio / Outdoor Cafe License of Occupation. There are approximately 100 establishments with existing Patio / Outdoor Café License of Occupations and they will not be charged for the 2020 patio season.

#### Locations

Uptake for this initiative will likely be in the areas of: Inglewood, Kensington, Marda Loop, Mission and 17 Avenue SW. Patios on Stephen Avenue and Barclay Mall are governed by a process set out in an agreement with the Board of the Calgary Downtown Association.

#### Application Process – Use of Public Space

To initiate an application for a temporary patio on public lands, businesses will be required to initiate a request through a call for a pre-application to apply. Administration will review the request to determine if it is on the road right of way or private property. Applicants requiring public space for their temporary patio will be required to provide the number of tables and chairs proposed and what they will use to delineate the space. Applicants will also be required to acknowledge several conditions within the temporary permission, including protecting pedestrian accessibility, insurance requirements, indemnification requirements, AGLC requirements, and Alberta Health Services and Occupational Health and Safety requirements. If permission is granted, business licencing will be updated and notification will be sent to AGLC for approval. Once approval from AGLC is granted, businesses can commence using the temporary patio. Site visits will be completed regularly by staff to ensure permission conditions are being followed.

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### **Application Process – Use of Private Space**

For those establishments who operate on private property, or a combination of private and public property, a development permit is required, as per Land Use Bylaw 1P2007. While there is a fee for the development permit, the permit type is subject to the Fee Relief deferred fees, effective May 1. Planning & Development has streamlined the intake and approval process to support businesses who apply for patio extensions, this will allow applications to have a single point of contact that will expedite the process as soon as possible. Administration will make every effort to streamline these applications, however, there are Land Use Bylaw requirements including mandatory notice posting, advertising and the appeal period that cannot be eliminated from the approval process.

### **Accessibility**

A significant consideration will be focussed around ensuring pedestrian accessibility along sidewalks. Roads will develop temporary measures to ensure accessibility is maintained during this period.

## **Stakeholder Engagement, Research and Communication**

Administration will work directly with BIAs and local businesses to engage on this work. By representing their local businesses, BIAs will provide an excellent lens to the technical recommendations. Engagement with the BIAs was scheduled prior to the 2020 May 11 Strategic Meeting of Council and their input on recommendations will occur prior to the Stage 1 relaunch.

## **Strategic Alignment**

This initiative supports Council Priorities by providing relief for local businesses during the COVID-19 pandemic.

## **Social, Environmental, Economic (External)**

Providing relief for businesses requiring temporary patios will support economic recovery. Allowing for extra space on public property for patrons of establishments could help satisfy social/physical-distancing requirements set out by the Medical Officer of Health in Alberta.

## **Financial Capacity**

### ***Current and Future Operating Budget:***

Parking revenue may be impacted if establishments or areas occupy full sidewalk widths and pedestrian traffic is safely shifted into closed parking spaces. Traffic permit revenue and patio license revenue for 2020 will also be impacted. Funding for the operating costs to install and maintain pedestrian detours will need to be explored.

### ***Current and Future Capital Budget:***

There are no capital budget impacts as a result of this report.

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### **Risk Assessment**

There is a risk that the public could perceive extensions of private establishments into public right of way as impediments to existing social/physical distancing space. There is a risk of delays in processing approvals if requests overwhelm available resources which could result in delays in timelines. Finally, while every effort will be made to assist establishments to access space in accordance with the guidelines, there may be constraints related to available space in each circumstance or safe conditions required to operate that space, both publicly and privately. Administration will work with stakeholders and each request to come up with the best solution.

### **REASON(S) FOR RECOMMENDATION(S):**

In an effort to support local business during the COVID-19 pandemic, the City of Calgary is introducing a new process for approvals for temporary patios.

### **Attachments**

N/A