

TOWN OF CANMORE
AGENDA
Special Meeting of Council
Council Chamber at the Canmore Civic Centre, 902 – 7 Avenue
Tuesday, April 13, 2021 at 9:00 a.m.

Times are estimates only.

- A. CALL TO ORDER AND APPROVAL OF AGENDA**
 - 1. Agenda for the April 13, 2021 Regular Meeting of Council**
- B. PUBLIC HEARINGS - None**
- C. DELEGATIONS - None**
- D. APPROVAL OF MINUTES - None**
- E. BUSINESS ARISING FROM THE MINUTES - None**
- F. UNFINISHED BUSINESS - None**
- G. BYLAW APPROVAL - None**
- H. NEW BUSINESS**
 - 1. Supporting Installation of Temporary Patios**

Recommendations: that Council:

 - 1. Exempt temporary outdoor patios and tents for Eating and Drinking Establishments from requiring a development permit under Section 1.8.0.1 of the Land Use Bylaw from April 13 2021 to October 15 2021;
 - 2. Direct Administration to adapt and rename the COVID Vibrant Spaces Grant (Stream 2) to COVID Safe Spaces Grant and include a town-wide application focused on the creation of temporary patio spaces; and
 - 3. Allocate an additional \$10,000 to the COVID Safe Spaces Grant to be included in the previously approved 2021 COVID contingency.
- I. CORRESPONDENCE/INFORMATION - None**
- J. REPORTS FROM ADMINISTRATION - None**
- K. NOTICES OF MOTION - None**
- L. IN CAMERA - None**
- M. ADJOURNMENT**



Request for Decision

DATE OF MEETING: April 13, 2021 **Agenda #:** H-1

TO: Council

SUBJECT: Supporting Installation of Temporary Patios

SUBMITTED BY: Whitney Smithers, General Manager of Municipal Infrastructure

RECOMMENDATION: Administration recommends that Council:

1. Exempt temporary outdoor patios and tents for Eating and Drinking Establishments from requiring a development permit under Section 1.8.0.1 of the Land Use Bylaw from April 13 2021 to October 15 2021;
2. Direct Administration to adapt and rename the COVID Vibrant Spaces Grant (Stream 2) to COVID Safe Spaces Grant and include a town-wide application focused on the creation of temporary patio spaces; and
3. Allocate an additional \$10,000 to the COVID Safe Spaces Grant to be included in the previously approved 2021 COVID contingency.

EXECUTIVE SUMMARY

The Province of Alberta recently enacted public health directives prohibiting indoor dining. Many local restaurants are struggling to adapt to this unanticipated announcement, in what has already been a difficult year for most everyone in our community. Council has renewed support for opening Main Street to pedestrians as part of a pandemic response, to allow residents and visitors to safely support local business. Temporarily easing development permit requirements related to outdoor patios and tents outside of the Main Street pedestrianization and expanding financial grants available from the Town to local businesses, is one way the Town can continue to support our business community beyond the Town Centre.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

12-2021 FIN – Finance Committee recommended that Council direct administration to close Main Street from May to Thanksgiving 2021 or as conditions permit and for the expenses to be included in the 2021 COVID Contingency Budget.

13-2021FIN - Finance Committee directed administration to waive in-street licence of occupation and related patio permit fees for 2021

129-2020 Council approved capital funding from the Tax Stabilization Reserve for Economic Development recovery support to those businesses most impacted by the pandemic for a total of \$281,000.

December 10, 2019, Council approved Land Use Bylaw 2018-22.

DISCUSSION

On April 6, 2021, the Province of Alberta announced a return to Step 1 of the Path Forward, the provincial roadmap to easing public health restrictions required by the COVID pandemic. One impact of this announcement is the mandated closure of indoor dining spaces. As a result, many local restaurants are scrambling to find alternatives to keep their businesses operating, customers served, and staff employed. Specifically, many local restaurants are looking to quickly open or expand their outdoor patios. As a result, the Town has seen a spike in temporary patio permit requests to create patios.

A two-block area of Main Street was opened up for pedestrians in response to the pandemic in 2020. Council has given direction to prohibit vehicle traffic on Main Street again this year, to accommodate safe physical distancing and allow more outdoor commerce than would typically be allowed on Main Street. For 2021, a COVID Vibrant Spaces Grant was developed for Town Centre businesses to off-set the costs of expanded outdoor premises. Administration is recommending this program be expanded to include businesses outside of the Town Centre and renamed to COVID Safe Spaces Grant to ensure the intent of the program, which is to provide space that ensures public safety, is clear. The use of the term vibrancy sends a mixed message.

Creative options to allow outdoor commerce outside of the Main Street area were limited in 2020. This year, particularly in response to the surge in requests for additional outdoor patios given the recent Provincial restrictions, Administration recommends that a similar loosening of requirements, and access to municipal funding, is appropriate for eating and drinking establishments outside of the Town Centre. Such latitude requires Council approval, as the rules laid out in the Land Use Bylaw cannot be waived by Administration. The same is true of the current requirements defined in the Grant.

There is a chance that further restrictions may be implemented by the Province, or that current restrictions will be eased in the near future. Both scenarios could render the current recommendations unnecessary, however, what future Provincial directives may or may not bring is largely unknown. Having the recommendations outlined in this report in place until October 15, 2021 brings some flexibility to enable the Town to respond to an ever-changing landscape as we navigate the pandemic.

Administration is recommending that Council exempt temporary outdoor patios and tents for eating and drinking establishments from requiring a development permit as required by Section 1.8.0.1 of the Land Use Bylaw. It is recommended that such an exemption be in place until October 15, 2021, to coincide with the timing of the Main Street pedestrianization.

The time-bound exemption of these uses from the Land Use Bylaw enables much quicker turnaround time for restaurants to set up a temporary patio this year. It does result in a loosening of regulation related to parking, signage and landscaping requirements typically associated with this permit type, however this is an acceptable risk in the current situation. Most notably, parking requirements in the Land Use Bylaw are based on occupancy capacities exceeding what is currently allowed under Provincial public health restrictions, so Administration is satisfied that a review of parking requirements related to this application type is unnecessary at this time. The exemption also removes the right to appeal approval of a temporary outdoor patio or tent. Administration also deems this to be a reasonable consequence of the recommendation considering the current and ever-changing circumstances.

In lieu of a permit, the Town will provide a letter of authorization for an outdoor patio. To receive a letter of authorization, the business must provide:

1. name, contact information, physical location/street address of business
2. proof of valid business license
3. location of proposed patio
4. if patio is in parking lot, the number of stalls or area to be occupied
5. rough sketch showing placement of patio and access point(s)
6. a letter of consent and concurrence with items 3 through 5 above from the owner of the property.

Upon receipt of the above information the business will receive a letter of authorization from the Town. This is significant as Town endorsement of a patio is in turn a licensing requirement of AGLC. Complaints that may arise related to the operation of the temporary patio will be directed to the owner of the property.

It must be noted that this exemption primarily expedites patios comprised of seats and tables within a cordoned off area. A Building Permit is required for all tents being used for commercial purposes, even with the exemption from the Development Permit process. Further, it is Administration's understanding that tents with three walls are considered 'indoor' and as such would not be able to operate as a patio. These requirements cannot be waived or exempted. Similarly, food preparation or a standing bar set up would require provincial licensing that cannot be waived by the municipality. Businesses still have the ability to apply for these permits or licenses concurrent with the letter of authorization from the Town, however the letter of authorization does not exempt them from a building permit if they are erecting a tent that would require one.

Lastly, Administration is recommending the COVID Safe Spaces Grant be expanded to include businesses outside of the Town Centre and to assist the hospitality industry with the cost of creating new or additional patio spaces. This is intended to provide more equitable distribution of Town support for local businesses throughout Canmore.

ANALYSIS OF ALTERNATIVES

Council could choose to require requests for temporary patios to follow existing bylaw requirements. This will cause delays for businesses looking to adapt to the recent, unanticipated change in Provincial direction.

Council could choose to not expand the grant program beyond Main Street businesses.

FINANCIAL IMPACTS

Administration is requesting that Council provide an additional \$10,000 to the COVID Safe Spaces Grant, to be included in the previously approved 2021 COVID contingency.

STAKEHOLDER ENGAGEMENT

This report considers feedback received by Administration and Council members from restaurant owners after the April 6th Provincial announcement.

ATTACHMENTS

None

AUTHORIZATION

Approved by: Chelsey Richardson
Manager of Financial Services Date: April 12, 2021

Approved by: Whitney Smithers
GM of Municipal Infrastructure Date: April 12, 2021

Approved by: Sally Caudill
GM of Municipal Services Date: April 12, 2021

Approved by: Lisa de Soto
Chief Administrative Officer Date: April 12, 2021