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DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	December 20, 2024
From:	Linda Gillan, Senior Community Planner – Economic Development
Subject:	Extending the Temporary Outdoor Business Area Program
File:	13.2580.20/TOBA.2024/5372.2025

RECOMMENDATION

THAT to provide flexibility for businesses transitioning from temporary to longer-term patios, and to support the local economy, the District’s temporary outdoor business areas (TOBA) program be extended until December 31, 2025, for businesses with 2023-2024 TOBA declarations.

RECOMMENDATION

THAT staff work with the Ambleside and Dundarave Business Improvement Area (ADBIA), Horseshoe Bay Business Association (HBBA) and local business community to share information and support businesses in shifting from temporary to longer-term patios.

RECOMMENDATION

Proposed Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2024, attached as **Appendix A** to the report dated December 20, 2024, from the Senior Community Planner – Economic Development, be read a first, second and third time.

1.0 Purpose

The purpose of this report is to make recommendations for an extension to the temporary outdoor business area (TOBA) program through to December 31, 2025, for businesses with 2023-2024 TOBA declarations.

This change would provide flexibility for businesses transitioning from temporary to permanent patios. This includes a proposed amendment to the “Fees and Charges Bylaw No. 5334, 2024”, to extend the temporary removal of fees payable in connection with temporary outdoor business areas.

2.0 Legislation/Bylaw/Policy

“Temporary Patio Delegation Bylaw No. 5083, 2020”, adopted June 8, 2020, provides for the delegation of approval authority for temporary outdoor business areas to staff.

The District of West Vancouver has established fees and charges for the provision of services and information, as authorized under s.194 of the Community Charter. All fees payable in connection with temporary outdoor business areas are set at \$0.00 for the temporary period expiring on December 31, 2024.

BC's Liquor and Cannabis Regulation Branch (LCRB) regulates liquor in the province. During the COVID-19 pandemic, a temporary expanded service area (TESA) program was established. A TESA authorization allows licensees to temporarily expand their service areas (e.g. for liquor service on a temporary outdoor patio) but does not increase the approved seating capacity of the premises. TESA authorizations in BC expire on December 31, 2024.

3.0 Council Strategic Objective(s)/Official Community Plan

Council's Strategic Plan 2024–2025

To “enhance our vital and vibrant commercial centres” and support the District’s local economy goals and objectives, Council’s Strategic Plan includes the following deliverable:

3.1.1: Support existing businesses.

Official Community Plan (OCP)

The local economy is recognized as one of five key policy areas in the Official Community Plan (OCP). The OCP seeks to support placemaking through an attractive public realm experience, by encouraging inviting public spaces in village and town centres, and by increasing commercial activities.

4.0 Financial Implications

The TOBA program was introduced to facilitate local business compliance with any Provincial health orders, guidelines and requirements relating to the COVID-19 pandemic, and to support local businesses as they continued operations through the pandemic. This temporary program, and the associated removal of fees, will currently end on December 31, 2024. Applications for permanent patios are subject to the applicable fees as outlined in Fees and Charges Bylaw No. 5334, 2024.

5.0 Background

5.1 Previous Decisions

Council, at its June 8, 2020 meeting passed a series of resolutions endorsing the creation of an outdoor patio program, including eating/drinking areas and outdoor retail space (temporary outdoor business areas, or TOBAs), with no increase in the business seating capacity.

The TOBA program has been extended by Council several times to align with LCRB regulations. Most recently, at its March 27, 2023 meeting, Council extended the program to the current end date of December 31, 2024, consistent with the new TESA end date established by the Province.

Council, at its December 12, 2022 meeting passed a series of resolutions creating a new permanent outdoor patio program, with updated application processes, and associated patio guidelines, together with the potential to increase the approved seating capacity for the business.

6.0 Analysis

6.1 Discussion

Several District businesses are already in the process of shifting from temporary to longer-term patios, with applications under review or recently approved. BC's restaurant and hospitality sector has been particularly impacted by rising food and labour costs, making it challenging for businesses to plan ahead and make infrastructure investments.

To help support local businesses, and provide flexibility while encouraging the transition to permanent patios, this report recommends extending the TOBA program until December 31, 2025, for businesses with 2023-2024 TOBA declarations. This TOBA extension, if approved, would not impact the December 31, 2024 end date for provincial LCRB TESA authorizations (i.e. liquor licencing for temporary patios).

Businesses seeking a longer-term, permanent patio with an increase in occupant load (i.e. the maximum number of people in a restaurant or café) may apply for sidewalk seating or a private property patio through the District's outdoor patio program.

6.2 Climate Change & Sustainability

If approved, the recommendations would contribute to the economic sustainability of the District, by supporting existing local businesses as they move from temporary to permanent outdoor patios.

6.3 Public Engagement and Outreach

Information regarding West Vancouver's temporary and longer-term outdoor patio programs is included on the District webpage and will be updated as necessary. Pending Council's direction, staff will contact business owners with existing temporary patios to let them know about the option to extend beyond December 31, 2024. As recommended through this report, staff will work with the local business community, including the ADBIA and HBBA, to share information and support owners in moving from temporary to longer-term patios.

7.0 Options

7.1 Recommended Option

To provide local businesses with additional flexibility, staff recommend that the opportunity for temporary outdoor business areas be extended until December 31, 2025. This will involve continued suspension of: the enforcement of on-site parking requirements; requirement to obtain development or other permits, aside from a license of occupation where a patio will be on District property; and, the waving of any fees that would otherwise be required.

7.2 Considered Options

- a) Defer consideration pending the receipt of additional information (to be specified); or
- b) Provide alternate direction (to be specified).

8.0 Conclusion

This report presents recommendations to extend the existing temporary outdoor patio (temporary outdoor business areas) program, until December 31, 2025 including a proposed “Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2024”. If approved by Council, the recommendations in this report will support local economic recovery, providing businesses with the additional flexibility as they plan for longer-term outdoor patios.

Author: 
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Appendices:

- A. Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2024



District of West Vancouver

**Fees and Charges Bylaw No. 5334, 2024,
Amendment Bylaw No. 5372, 2025**

Effective Date:

Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2025

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District of West Vancouver

Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2025

A bylaw to amend the Fees and Charges Bylaw.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to set fees payable in connection with temporary outdoor business areas, to support local economic recovery;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5372, 2025.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amendment of Regulations

- 3.1 Fees and Charges Bylaw No. 5334, 2024, is amended by inserting Schedule H – Temporary Outdoor Business Areas, attached as Schedule A, in alphabetical order.

READ A FIRST TIME on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Corporate Officer

Schedule A

SCHEDULE H - TEMPORARY OUTDOOR BUSINESS AREAS

SCHEDULE H - TEMPORARY OUTDOOR BUSINESS AREAS	2025 FEE	DETAILS
<p>For the purposes of this Schedule H, "Temporary Outdoor Business Area" means an outdoor area used or proposed to be used temporarily by a business as a patio or outdoor retail space, where such use will facilitate such business's compliance with social distancing requirements and other orders, requirements or guidelines issued by any governmental authority to address COVID-19. Temporary Outdoor Business Areas may be located on the parcel on which the business is located or on an adjacent parcel or road allowance.</p>		
<p>The following fees apply to businesses with a 2023-2024 Temporary Outdoor Business Area Declaration, expiring on December 31, 2025. After this date, all such fees will be as set out elsewhere in this bylaw.</p>		
Fee for development permit review and approval of exemption in connection with Temporary Outdoor Business Area	\$ -	
Fee for development permit: renovation or additional floor area in connection with Temporary Outdoor Business Area	\$ -	
Fee for amendment to an existing liquor licence for a Temporary Outdoor Business Area	\$ -	
Building permit fee for temporary structures comprising part of Temporary Outdoor Business Area	\$ -	
Fee for permit to erect a sign or change an existing sign within a Temporary Outdoor Business Area	\$ -	
Licence fee or street occupancy permit fee for Temporary Outdoor Business Area located on District of West Vancouver land, including road allowances	\$ -	

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