

NO: **R086**

COUNCIL DATE: **May 25, 2020**

---

## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 21, 2020**  
FROM: **General Manager, Engineering** FILE: **5480-01**  
**General Manager, Planning & Development**  
SUBJECT: **Parking to Patio Program and Sidewalk Queuing Space Program – Use of Outdoor Areas in Support of COVID-19 Physical Distancing Requirements**

---

## RECOMMENDATION

The Engineering and Planning & Development Departments recommend that Council:

1. Receive this report for information; and
2. Authorize staff to initiate the Parking to Patios and Sidewalk Queuing Space program through a pilot program that will permit the use of temporary outdoor areas, as generally outlined in this report.

## INTENT

The purpose of this report is to authorize staff to initiate a Parking to Patios and Sidewalk Queuing Space program in order to support local businesses complying with physical distancing and reduced occupancy requirements required due to COVID-19.

## BACKGROUND

Businesses are emerging from COVID-19 quarantine restrictions in response to the Provincial Government’s “BC’s Restart Plan” Phase 2. Under the Phase 2 plan, highly impacted sectors including retail, hair salons, barbers, personal service establishments, restaurants, cafes, and pubs are now permitted to operate under enhanced protocols which include increased physical distancing and reduced occupancy loading (currently at 50% of maximum occupancy).

Restauranteurs, the Surrey Board of Trade (“SBOT”), Surrey Downtown Business Improvement Association and members of the Food and Beverage Association have approached the City to request that the City support flexible, innovative, and expanded outdoor seating areas. This could include permitting businesses to expand their operations onto privately-owned parking lots and City Road Right-of-Way (“RoW”), including sidewalks, boulevards and on-street parking, in order to help local businesses recover from the COVID-19 quarantine while still maintaining physical distancing requirements.

## DISCUSSION

The general use of sidewalks and Road RoW to support businesses complying with physical distancing requirements can be generally grouped into business categories as follows:

General Business Category	Anticipated Use of Road RoW
Essential Services (e.g., groceries, pharmacies)	Customer Queueing
Non-Essential Retail Services (e.g., retail, personal services)	Customer Queueing
Eating Establishment – No Alcohol (e.g., fast food chains)	Outdoor Seating Area
Eating Establishment – Food Primary (e.g., restaurants)	Outdoor Seating Area
Liquor Primary (e.g., breweries, pubs, etc.)	Outdoor Seating Area

### Customer Queueing

As local businesses return to operations through BC's Restart Plan, they may request and/or be required to have customers queue outside their business to maintain mandated reduced occupancy requirements. For businesses with their primary access onto the street, this may result in customers queuing on sidewalks as they wait to enter the business.

Should line-ups and queues extend onto the sidewalk, the customer queue will have to be implemented in a safe manner that does not impede or obstruct other pedestrians from safely passing at the two-metre recommended width.

### Outdoor Seating Areas

The food and beverage industry, including restaurants, bars and tasting lounges (the "hospitality industry"), has seen some of the most significant negative economic impacts as a result of COVID-19 physical distancing requirements. Job losses for the restaurant industry are estimated at over 121,500 (out of the total 192,000 food service employees in BC). Expanding areas for outdoor seating allows businesses to replace seats reduced through mandated 50% occupancy requirements. Outdoor seating can also enhance the customer experience and increase public confidence in returning to the hospitality industry.

#### *Current Outdoor Seating Process*

The licensing and permitting of food and beverage service outdoors is a carefully controlled process. Typically, these applications include the construction of a physical patio, and are therefore addressed through a Building Permit. The Building Permit and plan submissions clearly outline the area of food service and guarantee compliance with building and fire codes (including number of washrooms and location of emergency exits). The Planning & Development Department has an existing guide for Outdoor Seating for an Eating or Licensed Beverage Establishment, a copy of which is attached as Appendix "I".

When liquor is involved, the process becomes more complicated and currently involves the Liquor & Cannabis Regulation Branch ("LCRB") which requires that:

- Licensed premises have a defined area for liquor service;
- Licensed patios need an occupant load and a red-line area with the number of occupants; and

- Liquor primary's license includes a notification process which is staff-delegated and does not require Council's endorsement.

These requirements are currently the same regardless of whether the patio space is in private property or on sidewalks/City Road RoW. The number of eating establishments in the City that do not have a liquor license versus those that have a Food Primary or Liquor Primary license are shown below:

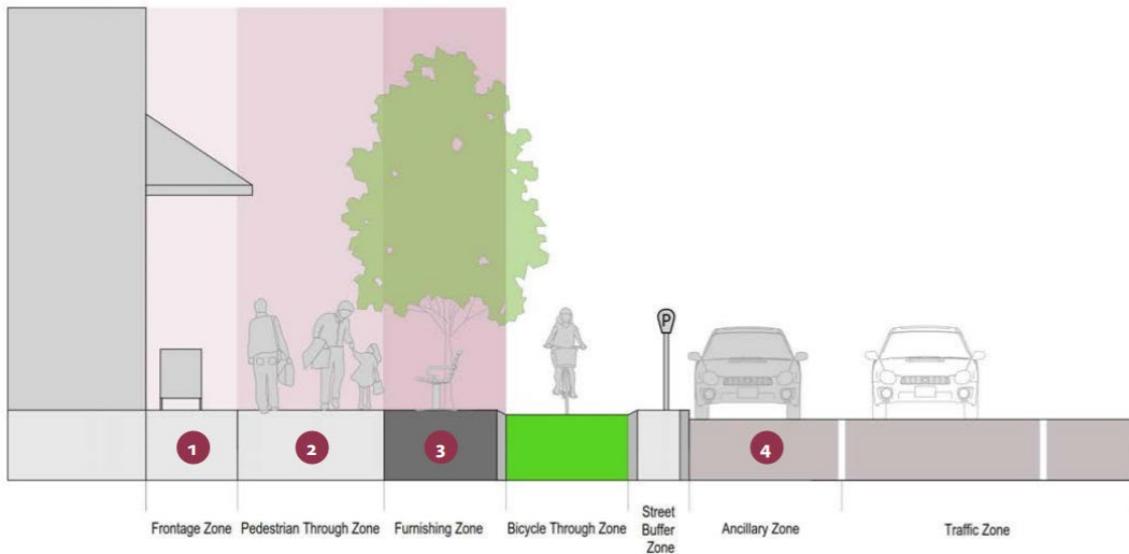
Eating Establishment Type	Totals
Restaurant – No Alcohol	799
Liquor License - Liquor Primary (Class A & D)	38
Liquor License - Food Primary (Class B)	284
<b>TOTAL</b>	<b>1,121</b>

The Province has committed to ensuring that eating establishments requesting patios will not face unreasonable delays. It is anticipated that the exact details of the expedited processing will be announced shortly and may include direction to local municipalities.

### **Consideration for Use of City Road Right-of-Way**

The boulevard in urban areas can be described as four zones, as illustrated below:

1. Frontage Zone (Setback);
2. Pedestrian Through Zone (Sidewalk);
3. Furnishing Zone (Boulevard/Utility Strip); and
4. Reallocated road space (On-street Parking and potentially cycling lanes).



Principles have been established to consider the potential Road RoW space that can be reallocated. The first principle will be accessibility and pedestrian safety, ensuring a minimum 2.0 metre clearance and accessibility throughway width. The second principle is patron safety and vehicle mobility, including emergency access being maintained in travel lanes. The third principle is business support and mitigating impacts on adjacent business.

### Road Space Reallocation

Reallocating Road RoW to accommodate increased physical distancing requirements for pedestrians is occurring in cities across the world. To support customer queuing areas and outdoor seating areas, the City will consider reallocating road space under the following recommended conditions, following the aforementioned principles:

- Safe pedestrian and traffic movements can be maintained;
- On all classifications of roads (Local, Collector and Arterial), ensuring emergency access and existing two-way traffic movements; and
- Reallocation of road space is limited to parking and potentially cycling lanes.

A general criterion of minimum widths for the various zones are as follows:

	<b>Sidewalk Pedestrian Through Zone</b>	<b>Furnishing Zone</b>	<b>Reallocated Space</b>
<b>Customer Queuing Area</b>	2.0m width (unobstructed)	<ul style="list-style-type: none"><li>• No use of landscaped areas</li><li>• Bus stops and benches to remain accessible</li></ul>	1.5m width for patrons. 0.5m buffer from travel lane
<b>Outdoor Seating Area</b>	2.0m width (unobstructed)	<ul style="list-style-type: none"><li>• No use of landscaped areas</li><li>• Bus stops and benches to remain accessible</li></ul>	2.5m width for patrons. 0.9m buffer from parking/travel lane

To streamline the review process, the following items will be the focus of Engineering's site-specific reviews:

- Avoiding or obstructing access to driveways and business entrances/exits;
- Maintaining sightlines for motorists and pedestrians;
- Providing reasonable access to utilities or fire hydrants; and
- Accessibility ramps between sidewalk and street.

### Consideration of use of Private Parking

The *Surrey Zoning By-law, 1993, No. 12000, as amended*, establishes minimum parking requirements for all buildings based on the uses permitted by the applicable zone. Compliance with minimum parking requirements is confirmed as part of the Development Application and business licensing processes. When a relaxation to the minimum parking requirements is requested, typically a Development Variance Permit ("DVP") is required, which must be reviewed by staff and approved by Council.

As a result of COVID-19, there has been an observed and measurable reduction in vehicle traffic and business occupancy. This has resulted in temporary reduction in on-site parking demands, which could potentially be temporarily repurposed for outdoor seating. A DVP would not be considered a requirement for this temporary use of stalls.

A general criteria for the use of private parking would be to maintain designated accessible stalls, to provide a minimum level of protection of customers from vehicles through the use of curb stops, and that no more than 50% of the stalls on-site could be utilized for customer queuing areas and outdoor seating. This would be consistent with current Provincial mandated maximum occupancy loads.

### **Parking to Patios Program**

Staff recommend Council support the implementation of the Parking to Patios program to allow eating establishments to easily add or expand outdoor seating areas. This program will create a simple and flexible process that will allow eating establishment to provide increased physical distancing opportunities in outdoor spaces adjacent to their businesses, while maintaining a minimum level of safety and regulatory approval through a streamlined municipal process.

#### *General Conditions*

- Use of on-street parking and/or boulevards will be considered for:
  - Restaurants with no liquor licenses; and
  - Class A, B and D licenses (food primary and liquor primary);
- Extent of outdoor seating areas cannot extend beyond immediate business frontages unless approved by the City;
- A minimum 2.0 metre pedestrian corridor must be maintained;
- Streamlined Traffic Obstruction Permit for all roads;
- Completion of the Parking to Patio Application Form is required; and
- Proposals must be in compliance with Provincial Fraser Health and the LCRB requirements.

#### *Off-Street Parking Removal Considerations*

- Removal of accessible parking spaces is not permitted;
- A curb stop is required for parking spaces backing onto active drive aisles to maintain a minimum level of safety;
- Sides of parking spaces or entire parking areas may be blocked off with pylons and/or sawhorse barriers; and
- A maximum of 50% of on-site parking stalls may be converted to outdoor seating areas.

#### *On-Street Parking Removal Considerations*

- Use of parking space fronting businesses will be eligible, whereas the use of cycling lanes will require assessment on a case by case basis;
- Proposals will be reviewed and accepted by Engineering staff for impacts to site lines, driveway access and other engineering issues;
- Arterial roads and higher travelled roads will require a greater level of protection, including jersey barriers and signage along the entire use area due to higher operating speeds and traffic volumes; and

- Provision of accessible access is encouraged (e.g., ramps).

*What is Required?*

To ensure a commitment to legitimate use and to maintain minimal regulatory oversight, business owners will be required to complete a digital application form for submission to the City's Building Division for review, referrals and approval. The application form will be provided in a short, fillable format that can be submitted electronically to avoid the need for business to come to City Hall. The following minimum submission requirements are anticipated:

- Business name and verification of business license;
- Simple sketch plan of proposed outdoor space to be converted to seating;
- Landowner approval for the reallocation of parking stalls for outdoor seating;
- Proof of Insurance as part of the application; and
- Indemnification Waiver in regard to indemnities and liabilities.

*What is Permitted?*

To maintain simplicity and to allow for expedited approvals, businesses applying to the Parking to Patios program will be permitted to install the following:

- Tables and chairs;
- Temporary fencing (to a maximum 1.2 metres in height and not affixed to the ground);
- Temporary landscaping;
- Patio umbrellas, canopies, and bases (without obstructing 2.0 metre wide clear zone);
- Propane patio heaters; and
- Ramps to allow accessible access from sidewalk to street level.

Business owners will not be permitted to install structures requiring a Building Permit, wash stations, outdoor kitchens, portable generators, electrical connections, or large tents under this accelerated Parking to Patios program. They will be required to follow the standard submission requirements outlined through Outdoor Seating Guidelines.

*What does it Cost?*

To minimize the financial burden already faced by businesses, staff are recommending:

- A \$200 application fee for the Parking to Patios program applications;
- Waiving the City Road & Right of Way Use Permit and associated fees; and
- Waiving Traffic Obstruction Permit fees.

The direct costs to business owners would result from a one-time application fee and the installation of permitted street furniture (i.e., tables and chairs) and accessibility ramps.

For local and low-volume Collector roads, businesses would require a minimum level of off-street and on-street traffic control devices, such as traffic cones, tall pylons and temporary signage, at an estimated cost of \$500. For Arterial and high-volume Collector roads, enhanced safety measures for public protection are required. This would include the installation of jersey barriers at a cost of approximately \$1,400 per parking stall, which the City would equally share the costs (50/50) installing and removing the works.

To confirm legitimate interest and participation by business owners, a nominal \$500 refundable deposit per application is recommended. This will ensure businesses remove all street furniture and parking stall protection at the end of the Parking to Patios program (removal is the responsibility of the business owners who, upon satisfactory completion, will have their deposits returned).

#### *How Long is this Permitted?*

Use of parking stalls under the Parking to Patios program would be available until September 30, 2020. Business owners are then to remove installed furniture on-site/off site, after which Engineering Operations will notify business owners, remove the jersey barriers and refund any deposits.

#### **Sidewalk Queuing Space Program**

This program would have the primary purpose of allowing all other retail businesses to meet increased physical distancing requirements and reduced occupancy requirements and would accommodate regular customer line-ups in outdoor spaces adjacent to businesses. Similar to the objective of the Parking to Patios program, the Sidewalk Queuing Space program is to maintain a minimum level of safety and regulatory approval while providing a streamlined application, approval and monitoring process.

#### *Conditions*

Most of the general conditions for this program would be similar to the Parking to Patios program, with the following exceptions:

- All businesses are eligible to apply;
- No street furniture is permitted as the area is for customers standing and waiting in line;
- Pavement markings, including tape, spray paint or equivalent, are acceptable to mark out physical distancing requirements; and
- Signage indicating the business that the line-up is for is permitted.

#### *How will Staff Support the Parking to Patio and Sidewalk Queuing Space Programs?*

A commitment to make the City review process streamlined is needed to make these programs viable. Staff are committed to providing a three-day approval process for valid Parking to Patio and Sidewalk Queuing Space applications. The general actions and functions of staff review will include, but not be limited to, the following:

- Planning & Development:
  - Reviewing parking lot circulation; and
  - Confirming maximum occupancy load for business is not exceeded.
- Surrey Fire Services - Fire Prevention:
  - Maintaining access for emergency traffic on all roads;
  - Maintaining BC Building Code and BC Fire Code requirements for Fire Department access; and
  - Ensuring fire hydrants, Fire Department connections and means of egress are maintained and free of obstructions.
- Engineering Department:
  - Reviewing proposed on-street parking stall locations;
  - Developing the necessary traffic control plans; and
  - Installing traffic control barriers on a “next day service”, as available.
- Bylaw Services:
  - Review of business licenses and tracking;
  - Monitoring of compliance, as required; and
  - Enforcement of non-compliance, as required.

## **Implementation**

To ensure the success of these programs, it is recommended that the initial intake process be focused on the initial 10 applicants/businesses requesting off-street parking and five requesting on-street parking reallocation. After such time, staff evaluate the process and seek opportunities for further streamlining and improvements as more businesses apply.

This approach would enable staff to retain flexibility and review the proposed general guidelines and criteria as it is applied for each business. Revisions and modifications to improve the program would then be applied.

## **FUNDING**

The typical use of Road RoW for private use comes with fees and charges, as outlined in the City's *Highway and Traffic By-law, 1997, No. 13007, as amended*. For an average, business owners utilizing two parking stalls for four tables, the City's standard Road RoW fees would equate to \$1,100 to \$1,500 over a three-month duration. Additionally, if there is paid on-street parking that is impacted, revenue that is lost is recovered through user fees, calculated on average utilization and observed revenues.

Expenses to the City will be incurred by not requiring a cost-recovery application fee to cover staff nor the standard road fees, and will also include the 50% cost-share for installation of jersey barriers on Arterial and major routes. This is estimated to vary per business, but could range from \$1,000 to \$3,000 per location. To support this initiative and local businesses in their re-emergence from COVID-19, these fees could be waived, as appropriate, for the duration up to September 30, 2020.

## SUSTAINABILITY CONSIDERATIONS

The Parking to Patio and Sidewalk Queuing Space programs supports the objectives of the City's Sustainability Charter 2.0. In particular, the programs relate to the Sustainability Charter 2.0 theme of Economic Prosperity and Livelihoods. Specifically, these programs support the following Desired Outcomes ("DO"):

- Economy DO5 Locally owned companies are thriving, creating a robust local economy and retaining wealth and jobs in the community; and
- Economy DO9: Surrey's economy is able to adapt and thrive in response to external forces, such as the changing climate.

## CONCLUSION

The Parking to Patio and Sidewalk Queuing Space programs will create a simple and flexible process that allow businesses to provide increased physical distancing opportunities in outdoor spaces to meet Provincially mandated maximum occupancy reductions as part of the Provincial Government's "BC's Restart Plan" Phase 2. The programs will ensure that a minimum level of safety is maintained while providing for a regulatory approval through a streamlined process.

Scott Neuman, P.Eng.  
General Manager,  
Engineering

Jean Lamontagne  
General Manager,  
Planning & Development

DM/cc

Appendix "I" - Guide for Outdoor Seating for an Eating or Licensed Beverage Establishment

g:\wp-docs\2020\admin\cr\vl use of parking stalls and road right-of-way for customer queuing and outdoor seating areas .docx  
CLR 5/21/20 6:10 PM

January, 2013  
BUILDING DIVISION

## OUTDOOR SEATING FOR AN EATING OR LICENSED BEVERAGE ESTABLISHMENT

This guide has been prepared to assist you when applying for a building permit to create an outdoor seating area for an eating or licensed beverage establishment.

**All existing work within the subject tenant space must have been constructed under a previously issued building permit.**

This pamphlet is for general guidance only. It does not replace by-laws or other legal documents.

### General Information:

All proposed construction shall comply with the British Columbia Building Code, the City of Surrey Zoning By-law and any other City By-law or regulation that may be applicable. The Planning Division shall determine if the proposed outdoor seating will comply with approved Development Permit conditions for the site. Applicants are advised to consult with the Planning Division before applying for a building permit to add outdoor seating.

An outdoor seating area cannot be located in a required setback from a property line. The sidewalk around an outdoor seating area shall not be less than 1.5 m (5 ft) wide and shall remain unobstructed at all times. Any fabric canopy shall conform to CAN/ULC-S109 "Flame Tests of Flame-Resistant Fabrics and Films" as required by the BC Building Code.

An exit gate shall be provided if the outdoor seating area is enclosed. The exit gate shall meet all the exit and accessibility requirements of the BC Building Code and shall not be obstructed at any time. For example, an exit gate shall provide a minimum clear width of 800 mm and open in the direction of exit travel, without requiring keys, special devices or specialized knowledge of the opening mechanism.

Fraser Health Authority review of the drawings is required prior to submission of the Building Permit application and Fraser Health Authority approval is required again before requesting a final inspection.

### **Required Drawings (4 sets)**

- Site plan showing the proposed location of the outdoor seating area, the distances to the property lines, and the location of any sidewalks
- Elevation drawings if there is any proposed fence, trellis, or roof for the outdoor seating area
- Sealed and signed structural drawings for any proposed fence or trellis greater than 1.8 m (6 ft) in height. All roofs require sealed and signed structural drawings

### **Required Documents**

- Building Permit Application Form
- Building Permit Application Checklist
- Owner's Authorization Form if the applicant is not the building owner
- Schedule A from the Coordinating Registered Professional
- Schedule B to accompany each Registered Professional's sealed and signed drawings
- Calculations showing the required number of water closets based on the total occupant load (including the outdoor seats)
- Calculations showing the required number of parking spaces

v:\wp-docs\bulletins\outdoor seating electronic copy.docx  
DRV 1/23/14 12:13 PM