



Legislation Text

File #: BL-21-013, **Version:** 1

TAMRMS#: B06

Bylaw 23/2021 Patios & Pop Up's Traffic Bylaw Amendment (1st, 2nd and 3rd readings)

Presented by: Dawny George, Director, Engineering & Dean Schick, Manager, Transportation

RECOMMENDATION(S)

- 1) That Bylaw 23/2021 being amendment 18 to Traffic Bylaw 18/2005, be read a first time.
- 2) That Bylaw 23/2021 be read a second time.
- 3) That unanimous consent be given for consideration of third reading of Bylaw 23/2021.
- 4) That Bylaw 23/2021 be read a third and final time.
- 5) The city waive development and building permit fees for temporary patios on private property for the calendar year of 2021.

PURPOSE OF REPORT

This report brings forward an amendment to extend previously approved changes to Traffic Bylaw 18/2005 that established a temporary permitting process to allow businesses to set up minor patios and sidewalk retail pop-ups on City-owned land, as well as the initiative to waive related development permit fees for temporary patios in support of businesses operating outdoor patios on private land.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

Strategic Priority #2: Economic Development: Enhance business/commercial growth.

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Development, Building Permit Application Review & Enforcement

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

On June 1, 2020 Council passed the following motion(s)

AR-20-205

That Bylaw 30/2020, being amendment 15 to Traffic Bylaw 18/2005, be read a first time.

That Bylaw 30/2020 be read a second time.

That unanimous consent be given for consideration of third reading of Bylaw 30/2020.

That Bylaw 30/2020 be read a third and final time.

On July 6, 2020 Council passed the following motion(s)

CM-20-026

That the 21-day advance notice period for a notice of motion be waived in accordance with Section 23.8 of Procedure Bylaw 3/2018

That for 2020 the city waive temporary development fees for patio licensing on private property using a self-certification system.

BACKGROUND AND DISCUSSION

Due to public health orders and efforts to reduce community transmission of COVID-19, businesses have been subject to various protocols, restrictions and regulations through 2020 and into 2021. In order to assist the St. Albert business community, Administration proposed and Council approved an amendment to the Traffic Bylaw that enabled a streamlined permitting process for minor patios and sidewalk retail pop-ups on City-owned land to allow businesses to expand outdoor patio space immediately adjacent to their business premises. Council also approved an incentive through waiving of 2020 development fees for temporary patios on private property.

These amendments were temporary and require another Bylaw amendment and accompanying resolution to waive development and building fees, in order to be extended.

Should Council approve the recommendations of this report, the Traffic Bylaw amendments proposed and approved in 2020 shall be extended until the seasonal end (October 17) of 2021.

As a summary of the key features of this extension:

- The streamlined permitting process for minor patios and sidewalk retail pop-ups on City-owned land is temporary, in place for the calendar year 2021, unless otherwise extended by a subsequent Council resolution;
- It will effectively be applicable to any businesses in the City and; will impact both City lands and private property.
- It will permit unfenced minor patios and retail pop-ups abutting right up to store-fronts on City-owned public property;
- No alcohol sales will be permitted on public lands;
- There will be no fees for development and building permits for temporary patios on private property; and

- This will not be done on a cost-sharing basis; therefore, any costs incurred for the set-up of a minor patio or sidewalk retail pop-up will be borne by the businesses.

For applications for minor patios and sidewalk retail pop-ups on City-owned land, Administration will be prepared to start accepting applications within two weeks of Council's approval.

Administration will continue to observe and monitor the impact of the various strategies employed and lessons learned may be applied or considered to develop a process associated with patios; however, through 2020 there was not a demand for such changes. Areas of consideration may include, but not be limited to - the ability for alcohol sales on public lands.

Permitting Process and Fees for Temporary Patios on Private Property

The standard process for a temporary patio would include a development permit application, and a building permit application submission. The development permit fee for a temporary patio is \$77.00 as per Schedule E of the Master Rates Bylaw (MRB). The building permit fee (including Safety Codes Council fee) is \$193.44 as per Schedule A of the MRB. The MRB is set by Council; Administration does not have authority to waive fees set out in the MRB. However, the fees for these permits can be waived without amending the bylaw, if Council passes a resolution directing administration to forgo said fees.

Items for Consideration

AGLC Approval Required for New Liquor Areas

Regardless of City approvals, any efforts to enable liquor consumption/sales in new patios would require AGLC approval. AGLC approval is estimated to take ~3 weeks.

Capacity Review

Increases to the seating count of a restaurant or drinking establishment would necessitate a development permit review to ensure that parking and washroom capacity requirements are being met.

Land Use Bylaw

Temporary patios on private property are considered accessory development and is a discretionary use in the Land Use Bylaw. As such, a patio permit application for these uses would trigger a notification to properties within a minimum of 30m of the subject property. The notice period is 21 days from the date of the decision, during which time an appeal may be filed. The Subdivision and Development Appeal Board has to hear an appeal within 30 days, after receipt of a notice of appeal, per Section 686(1) & (2) of the MGA. To remove the notice requirement would require amending the Land Use Bylaw to make temporary patios/accessory development a permitted use, rather than a discretionary use. An amendment to the land use bylaw would be anticipated to take ~6-8 weeks at a minimum.

If a building permit is required, it is anticipated that Building Inspections would still be required to provide inspections to verify safe ingress/egress and appropriate clearances.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

N/A

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

If implemented, the City may have to absorb some costs associated with re-routing pedestrian traffic on City sidewalks, or vehicular traffic to extend the pedestrian sidewalk.

Legal / Risk:

For patios proposed on public land, businesses will be required to provide proof of insurance and an indemnity to the City as part of the permitting process.

Program or Service:

The City's Transportation staff will coordinate the delivery of the permitting process on public land.

Organizational:

None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendations, or wishes to make further recommendations, the following alternatives could be considered:

Alternative 1. That no action be taken. This would mean the Amending Bylaw is not extended and the status quo prior to 2020 would be applied to 2021, along with collection of necessary and applicable development permit fees for applications of temporary patios.

Alternative 2. That the *Traffic Bylaw* be amended in accordance with other specific direction provided by Council.

Alternative 3. That the *Land Use Bylaw* be amended in accordance with other specific direction provided by Council.

Report Date: April 19, 2021

Author: Dean Schick

Department: Engineering Services

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble