


**2023** | CITY OF VICTORIA | Engineering & Public Works Department

# Patio Regulation Bylaw

No. 23-035

Council to Follow COTW: March 9, 2023





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## Background

- Council direction to modernize bylaw, program and fees
- Application of lessons learned
  - 2016 Sidewalk Café Bylaw and 2020 Build Back Victoria program
- Principle Based:
  - Sense of Community, Ease of Movement, Safety, Inclusion, Neighbourhood Character, Flexibility and Recognition of Value
- Developed with input from:
  - Existing Sidewalk Café and BBV Permit Holders, Industry Representatives, Accessibility Advisory Committee, Neighbourhood Associations and Multi-Disciplinary City Staff Input

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# 2023 Patio Regulation Bylaw

- Allows for different patios (location, size, duration) - "Right Sized"
- Clear authorities to grant / review / remove licenses
- Facilitates regular inspections
- Introduces new rates, fees and fines – updated from 2016
- New user-friendly information and processes with staff support

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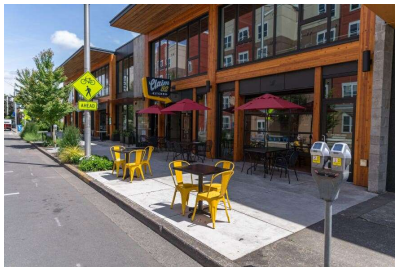


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# New Patio Program

## Simple Patio

- Movable seating, set up daily
- Sidewalk, pathway, plaza options
- Seasonal or annual license options



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## Complex Patio

- Semi-permanent structures, in place 24/7
- Roadway, sidewalk, pathway, plaza options
- Seasonal or annual license options



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## Conditions and Considerations

- Location
- Public safety
- Accessibility
- Access provisions for City and Utility Providers
- Pedestrian access and movement
- Noise
- Hours of operation
- Waste removal
- Tree and boulevard protection
- Drainage
- Fire safety
- Curb-use and traffic
- And more...

The Patio Bylaw focuses on use of physical space only – does not relate to occupancy or liquor licensing regulations

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## Patio Cost Considerations

- Incentivize and promote patio use
- Account for staff resources to support program
- Provide pro-active approaches for renewal and inspections
- Balance fair rates for businesses with privatization of public space
- Reflect the economic value of different spaces across the City

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## Patio Cost Overview

- Application / Renewal Fee
- Inspection Fee
- License Fee
  - Fees are derived from commercial market rates considering potential of "simple" and "complex" levels of usage

Location-based Pricing
Area 1: Inner Core
Area 2: Cook St. Village & Oak Bay Ave
Area 3: Broader Downtown, Vic West & North James Bay
Area 4: Fernwood Village, North Park & Quadra Village
Area 5: Balance of City

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## Phased Introduction & Fees

Annual License Fees phased in over multiple years

2023	2024	2025
<p><b>Existing license holders into compliance; BBV permit conclusion / opportunity to apply under new program</b></p> <p>Existing Patios: Rates set from 2016 Bylaw; fees already paid</p> <p>New Patios: 50% of New Bylaw Rates</p>	<p><b>New Bylaw Operational Annual Patio Inspections</b></p> <p>50% of New Bylaw Rates</p>	<p><b>Steady State Program</b></p> <p>100% of New Bylaw Rates</p>

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## License Rate Overview (\$ per square foot)

### Annual Rates

FEE AREAS	Sidewalk Café Rates, Paid for 2023 (2016 Bylaw)	New Patio Licence Rates 50% (2023)		All Patio Licence Rates 50% (2024)		All Patio Licence Rates 100% (2025)	
		Sidewalk Café	Simple Patio	Complex Patio	Simple Patio	Complex Patio	Simple Patio
1 - Core	\$6.20	\$4.07	\$5.78	\$4.07	\$5.78	\$8.13	\$11.55
2 - Cook Street Village & Oak Bay Ave	\$3.80	\$3.88	\$5.52	\$3.88	\$5.52	\$7.76	\$11.03
3 - Broader Downtown, Vic West & North James Bay	\$3.80	\$3.20	\$4.52	\$3.20	\$4.52	\$6.39	\$9.04
4 - Fernwood, North Park & Quadra Village	\$3.80	\$2.75	\$3.90	\$2.75	\$3.90	\$5.49	\$7.80
5 - Balance of City	\$3.80	\$1.96	\$2.78	\$1.96	\$2.78	\$3.91	\$5.55

**Notes:**

1. Seasonal Rates were not offered in the previous bylaw
2. Seasonal Rates are half of Annual Rates to reflect 6 months license

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## Transition Provisions

- **Existing Sidewalk Café License Holders**
  - Fees already paid (2016 rates) – no changes
  - Modifications / alterations to existing patios to meet new Bylaw requirements by December 31, 2023
- **Existing Build Back Victoria permit holders**
  - Permit expiration & Provincial liquor license changes – March 31, 2023
  - Notification of intent - April 1, 2023
  - Opportunity to consider new program and submit application under new Bylaw - May 5, 2023
  - Decision and license notification - May 31, 2023
  - License types and rates based on 2023 Fees

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## Next Steps

- Council approval of New Patio Regulation Bylaw – March 16, 2023
- Business Recovery from Pandemic Bylaw (BBV) Expires - March 31, 2023
- Release of new program details, applications and guidebook – April 1, 2023
- Transition of existing sidewalk café License Holders and Build Vack Victoria permits holders to new program
- Regularization of new patio program

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## Recommendation

- That Council give first, second and third reading for the Patio Regulation Bylaw No. 23-035 which is attached to the Staff Report before you.


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# Example License Fees

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## Patio Fees – AREA 1 – CORE

- Example Simple Patio Size: 50 square feet
- Example Complex Patio Size: 480 square feet

**Simple Patio:**

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$6.20	\$310.00	\$25.83	\$4.07	\$203.50	\$16.96	\$8.13	\$406.50	\$33.88
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$2.03	\$101.50	\$16.92	\$4.07	\$203.50	\$33.92

**Complex Patio:**

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$6.20	\$2,976.00	\$248.00	\$5.78	\$2,774.40	\$231.20	\$11.55	\$5,544.00	\$462.00
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$2.89	\$1,387.20	\$231.20	\$5.78	\$2,774.40	\$462.40

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## Patio Fees – AREA 2 – COOK STREET VILLAGE & OAK BAY AVENUE

- Example Simple Patio Size: 50 square feet
- Example Complex Patio Size: 480 square feet

### Simple Patio:

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$3.80	\$190.00	\$15.83	\$3.88	\$194.00	\$16.17	\$7.76	\$388.00	\$32.33
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$1.94	\$97.00	\$16.17	\$3.88	\$194.00	\$32.33

### Complex Patio:

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$3.80	\$1,824.00	\$152.00	\$5.52	\$2,649.60	\$220.80	\$11.03	\$5,294.40	\$441.20
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$2.76	\$1,324.80	\$220.80	\$5.52	\$2,649.60	\$441.60

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## Patio Fees – AREA 4 – Fernwood/Quadra Village & North Park

- Example Simple Patio Size: 50 square feet
- Example Complex Patio Size: 480 square feet

### Simple Patio:

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$3.80	\$190.00	\$15.83	\$2.75	\$137.50	\$11.46	\$5.49	\$274.50	\$22.88
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$1.37	\$68.50	\$11.42	\$2.75	\$137.50	\$22.92

### Complex Patio:

	2016 Bylaw Fee, Paid in 2023 (For Pre-Existing Patios)			New Bylaw Fee Rate (2023 New Patios & 2024 All - 50%)			New Bylaw Fee Rate (2025 All Patios - 100%)		
	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost	Rate Per Square Foot	Annual Fee	Monthly Cost
XYZ Café Ltd. - Annual	\$3.80	\$1,824.00	\$152.00	\$3.90	\$1,872.00	\$156.00	\$7.80	\$3,744.00	\$312.00
XYZ Café Ltd. - Seasonal	N/A	N/A	N/A	\$1.95	\$936.00	\$156.00	\$3.90	\$1,872.00	\$312.00

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