

TO: CITY MANAGER **DATE:** 2020 May 27
FROM: DIRECTOR EMERGENCY OPERATIONS **FILE:** 23000-02
CENTRE
EOC PLANNING SECTION CHIEF
DIRECTOR ENGINEERING

SUBJECT: IMMEDIATE PANDEMIC RECOVERY MEASURES

PURPOSE: To seek Council approval for the potential closure of lanes, use of road right-of-way for commercial purposes, and general permission for expanded liquor licence service areas to assist residents and businesses with pandemic recovery efforts.

RECOMMENDATIONS:

1. **THAT** Council authorize staff to implement temporary lane closures as outlined in this report should the need for physical distancing and/or enhanced active mobility increase, to assist residents and businesses with the pandemic recovery.
2. **THAT** Council authorize the approach for commercial use of road rights-of-way as outlined in this report to assist businesses with the pandemic recovery.
3. **THAT** Council grant pre-approval to cover all liquor primary and manufacturer establishments within the City who may apply for an expanded service area, as outlined in option 1 in this report.
4. **THAT** Council forward a copy of this report to the Liquor and Cannabis Regulation Branch.

REPORT

INTRODUCTION

The purpose of this report is to outline potential locations for temporary lane closures to maintain safety and support residents and businesses with pandemic recovery. It also presents an early economic development approach to aid business recovery from the current pandemic. The COVID-19 pandemic has significantly altered everybody's daily life including behaviour and travel patterns. Early on in the pandemic, people were requested to stay home and many non-essential businesses were closed. This resulted

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in a substantial decrease in travel by all modes. Currently, efforts are being made to slowly resume normal activities, but with restrictions such as physical distancing and continued restrictions on the size of public gatherings. These restrictions significantly impact how people travel and how businesses can operate leading to unique demands on our streets and sidewalks. This report establishes some guidelines to enable a quick response where required.

POLICY SECTION

The initiatives described in this report to support pandemic-related requirements are aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the Plan.

Goal

- A Safe Community
 - Transportation safety –
Make City streets, pathways, trails and sidewalks safer

- A Connected Community
 - Partnership –
Work collaboratively with businesses, educational institutions, associations, other communities and governments
 - Geographic connection –
Ensure that people can move easily through all areas of Burnaby, using any form of transportation

- A Healthy Community
 - Healthy environment –
Enhance our environmental health, resilience and sustainability

- A Dynamic Community
 - Economic opportunity –
Foster an environment that attracts new and supports existing jobs, businesses and industries

The proposed changes to the use of the City's streets, expanded commercial uses within City streets and the opting out of select liquor licence referrals from the Province, are also aligned with the general objectives, principles and strategies of the City's recovery plan, adopted by Council on 2020 May 25.

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DISCUSSION

Lane Closures

As a result of physical distancing requirements, existing sidewalks and multi-use paths are not able to safely accommodate as many people as previously. Where pedestrian and/or cycling volumes are high, additional space is needed so that people feel safe and comfortable when walking or cycling.

The sites considered in this report were generated primarily on the basis of subjective perception of pre-pandemic conditions and from requests received from the public. These sites have been busy in the past and may be again during the recovery period. Field observations have found that pedestrian activity remains depressed at most locations, but are gradually rising as more businesses open. While no significant problems have been observed to-date, it is anticipated that increasing pedestrian and business activity may lead to the need for temporary lane closures to support physical distancing for active mobility.

For any potential lane closures along the City's arterial streets designated as part of TransLink's Major Road Network (MRN), the City cannot (under prevailing legislation) undertake "alteration of a major road, or of the traffic control conditions on a major road, in such a way that fewer persons would be able to travel on the major road network" at any time of day without the approval of TransLink staff. Lane closures on the MRN would therefore require TransLink approval. Translink staff, however, have indicated their intention to be flexible in accommodating reasonable requests for temporary alterations during the pandemic, including potential financial support to help maintain transit service.

In order for the City to be proactive and nimble, to prepare for potential lane closures that may be required relatively quickly, a number of general locations have been identified for monitoring. Such areas are relatively predictable, and include those which are:

- near civic and community facilities (e.g., community centres, warming centres, libraries, etc.);
- near parks to provide more pedestrian and bike access to parks;
- at or proximal to major or neighbourhood commercial nodes;
- adjacent to or near SkyTrain stations or major bus stops; and,
- flanking businesses with exterior queuing requirements, or those which are likely to need additional space beyond the constraints of their current building in order to operate under continued pandemic restrictions.

To help prioritize locations the following criteria has been considered:

- responds to a need (current or highly anticipated);
- maintains safety for all travellers and patrons;

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- available resources (current or obtainable) to implement;
- easily modified to respond to changing conditions;
- supported by the community;
- avoids excessive transit impacts;
- supports equity and the most vulnerable people throughout the City; and,
- supports the Vision and Goals adopted by Council for the new Transportation Plan.

Potential Candidate Locations

A number of locations in each quadrant of the City have been identified for potential review. The list is not exhaustive nor intended to be exclusive. The City will need to be flexible given the unprecedented conditions and sometimes unanticipated consequences of pandemic recovery requirements. Lane closures could apply to one or both sides of the street, depending on local conditions and requirements.

Southwest Quadrant

1. Kingsway, from Patterson to Royal Oak [MRN]
2. Other possible locations:
 - a. Beresford Street near SkyTrain stations
 - b. Patterson Avenue adjacent Central Park
 - c. Willingdon Avenue near Bob Prittie Metrotown Library
 - d. Bonsor Avenue / Bennett Street near Bonsor Recreation Complex

Southeast Quadrant

1. Edmonds Street, from Kingsway to Canada Way
2. Other possible locations:
 - a. Kingsway, from Griffiths to Edmonds [MRN]
 - b. Humphries Avenue, from Elwell to Edmonds

Northeast Quadrant

1. Gatineau Place, from Austin Road to North Road
2. Other possible locations:
 - a. Government Street / Austin Road, from Manchester Drive to North Road [MRN]
 - b. North Road, from Cameron Street to Cochrane Avenue [MRN]
 - c. North Road, from Austin Road to Delestre Avenue [MRN]
 - d. North Road (Central Valley Greenway), at the Brunette River crossing [MRN]

Northwest Quadrant

1. Hastings Street, from Boundary to Gamma [MRN]
2. Gilmore Avenue (Central Valley Greenway), from Dawson to Still Creek [MRN]
3. Still Creek Drive / Avenue (Central Valley Greenway), from Willingdon to Douglas

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4. Other possible locations:

- a. Willingdon Avenue, from Brentlawn Drive to Still Creek Avenue [MRN]
- b. Albert Street, from Boundary to Gamma, close to through traffic
- c. Pender Street, from Boundary to Gamma, close to through traffic
- d. Lougheed Highway, from Gilmore to Madison [MRN]
- e. Halifax Street, from Douglas to Willingdon
- f. Dawson Street, from Gilmore to Willingdon

Subject to Council approval in principle of the lane closures proposal, staff would commence implementation immediately and the cost of the temporary closures will be absorbed within the 2020 Engineering Operating budget. The temporary closures will be monitored and adjusted as needed.

Other Considerations

Initiatives focusing on measures to provide support to businesses (e.g. outdoor seating or pedestrian queuing in the curb lane) could conflict with the mobility initiatives described above (e.g., a curb lane used for seating cannot also be used for walking or cycling). It will be necessary to resolve any situations where the two initiatives are competing for the same road space. Arising from the pandemic, numerous cities globally are experimenting with temporary measures, and would be good sources of information for both process and design.

It is important to inform the public (e.g. local businesses or a representative organization), where desirable and possible, before implementation. Our perception of how to best serve the community may differ from theirs. Projects should also include a data collection and monitoring program, both pre- and post-implementation, where possible to ensure measures put in place have the desired outcomes. Such data could also be used to help determine the advisability and feasibility of some temporary conditions becoming permanent.

To manage and coordinate timely lane closures related to the pandemic recovery efforts, it is recommended that staff be authorized to undertake measures as required, as generally outlined in this report. Efforts would be coordinated through the Emergency Operations Centre to ensure that resources and funding are available when required.

Commercial Use of Road Right-Of-Way

One important reason for pursuing a program of lane closures is to allow for businesses affected by the COVID-19 pandemic to recover as quickly and completely as possible. A highly-anticipated need of the business community is greater operating space to accommodate more customers while complying with ongoing distancing guidelines and restrictions on public gatherings. For some businesses that operated in a limited way during the pandemic, this will involve an expansion to help recover lost revenues. For others which had to close completely, this will afford them the much needed space to once again open their doors to the community. The specific needs of business will be

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defined by them, whether it be outdoor display space for a retailer, curbside pick-up for goods, or patio space for a restaurant or café. Although these measures will help all businesses, small independent businesses will be given priority as they help define the City's fabric and bring identity to Burnaby's many vibrant neighbourhoods.

In an effort to be nimble, as well as think "outside of the box" when it comes to permitting, it is proposed that a business within a lane closure area (or other area that has sufficient space in the public realm) be given the opportunity to expand into the adjacent right-of-way (defined by frontage) for the purposes mentioned above. The extent to which a business could expand will have to be considered against the various other transportation-related criteria in order for continued distancing to occur.

From a regulatory perspective, it is proposed that requests to use the City's rights-of-way for commercial purposes be permitted via the Encroachment Permit process through the Engineering Department. This would allow each permit to be reviewed against mobility and safety requirements, and be coordinated with other relevant departments through referral, such as Planning and Building and the Licensing Division of the Public Safety and Community Services Department. It is noted that the *Burnaby Zoning Bylaw* regulates uses to the centre-line of the street, thus allowing for the expanded uses. Typically, the possibility of additional parking required under the *Burnaby Zoning Bylaw* by the expanded commercial area is a consideration. However, in light of the notion that the expanded area would not result in increased overall capacity (due to distancing requirements), provision of additional parking would not be a requirement.

Use of Encroachment Permits allows the City to place conditions on the permit, such as:

- the time for which approval is valid;
- requirements to comply with other City regulations (e.g., Noise or Sound Abatement Bylaw);
- the use that is being expanded (i.e. that it must be an extension of an otherwise lawful existing principal business operating on an adjacent lot);
- any additional insurance requirements; and
- anything else considered relevant to the approval.

It is noted that there are currently no application fees charged for Encroachment Permits at this time. However we will report back with any changes should they be required.

Given the purpose of these expansion areas is to aid in business recovery, made necessary, in part by distancing guidelines, and in light of the likely scenario that no additional capacity is gained by these service areas, fees for use of the right of way are not proposed, or proposed to be nominal.

With Council approval, a bulletin will be prepared outlining how businesses can access this new temporary program. The bulletin will be available on the City's website, and will be forwarded to the Burnaby Board of Trade, the Heights Merchants Association, the

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North Road Business Improvement Association, as well as any other related umbrella organization, for distribution to their members.

Expanded Service Areas for Liquor Primary and Manufacturer Establishments

On 2020 May 22, the Province's Liquor and Cannabis Regulation Branch (LCRB), in order to help meet distancing guidelines outlined by the Provincial Health Officer, expanded liquor service areas. This new authorization permits food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) to temporarily expand their service areas until 2020 October 31. Licensees are still expected to meet the Liquor Control and Licensing Act, Regulations and LCRB policies. It is important to note, that this permission does not allow for expanded overall seating capacity, nor does it negate any terms and/or conditions of their existing liquor licence approvals. Finally, it should be noted that the branch will not be charging licencing fees for these service area expansion requests.

The changes brought about by the Province give local governments two options for approval of temporary expansion authorizations for liquor primary and manufacturer licences:

- Option 1: pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area; or,
- Option 2: review/approval of all individual applications of all liquor primary and manufacturer expansions prior to licensees submitting their completed application package to the LCRB.

Staff are recommending the first option, a blanket pre-approval by Council. If the service area is proposed to be expanded onto a City right-of-way, through the related Encroachment Permit, all terms and conditions of the original liquor licence approval can be applied as conditions to the Encroachment Permit. In many circumstances, the most common potential community impact is noise, which, as noted above, can be mitigated by requiring the business to comply, at a minimum, with the *Burnaby Noise or Sound Abatement Bylaw*. Additional requirements may be imposed depending on individual circumstances, such as adjacent residential uses. Enforcement of non-compliant businesses can be simple and swift, and can include revocation of their Encroachment Permit, and thus their expanded service area.

It is acknowledged that not all proposed expansion locations would necessarily be within City closed road right-of-way. For example, some could be in under-utilized outdoor space on private property. In those circumstances, the LCRB's approval would need to remain consistent with other governing City bylaws; and, in all cases would not result in additional overall capacity. Like those involving closed lanes, the LCRB's approval for these applications is on a temporary basis, until 2020 October 31. For these reasons, staff do not have significant concerns with not reviewing specific liquor licence applications.

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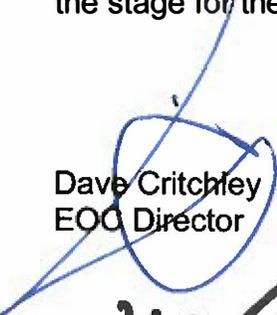
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Staff believe opting out of the approval of these expanded service areas maintains the spirit of the City's response to the COVID-19 pandemic recovery for business, while still balancing the need for oversight to ensure general adherence to City bylaws and regulations.

CONCLUSION

This report provides three key recommendations. The first involves the closure of lanes on City streets at select locations throughout the City in order to help the community physically distance. The second involves the commercial use road rights-of-way, where possible, through the Encroachment Permit process, in order to aid local business recovery from the pandemic. The third includes a blanket pre-approval by Council for expanded liquor service areas for liquor primary and manufacturer establishments. All three recommendations are supported by existing City policies and Plans, and help to set the stage for the community to begin the process of healing.



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