

COUNCIL POLICY



Document Name: 2021 Regional Food and Beverage Patio Support Program

Department Name: Finance

Document Number: FIN-360

Effective Date: May 27, 2021

Next Revision Date: May 27, 2022

STRATEGIC PLAN LINKAGE

- Strategic Priority 3 – Regional Economic Development

PURPOSE AND OBJECTIVE

The purpose of this Policy is to:

- a. establish the 2021 Regional Food and Beverage Patio Support Program (“Program”);
- b. outline the value of Patio Support Funding available; and
- c. determine eligibility for Patio Support Funding under the Policy.

The Program is temporary and closes on September 30, 2021. The program will provide Patio Support Funding in the form of a one-time 100% reimbursement to eligible Property and business owners offering food and beverage services within the Regional Municipality of Wood Buffalo. The objectives of the Program are to:

- a. support business recovery initiatives in response to the COVID-19 restrictions to indoor dining; and
- b. support businesses in upgrading or creating Patio amenities on their properties to help attract patrons.

GENERAL PRINCIPLES

1. Definitions:

- 1.1. “Commercial” means a building intended to accommodate the buying or selling of goods and services. Commercial developments include establishments used for the purposes of offices, retail stores, personal services, business services, food and beverage, and entertainment such as theatres and cinemas.
- 1.2. “Financial Services Department” means the Regional Municipality of Wood Buffalo Financial Services Department, which is responsible for the administration of the Program.
- 1.3. “Food and Beverage Establishment” means restaurant, café, food establishment or similar use that is open to the public and sells food and or beverages.

- 1.4. "Mixed-use" means a building with Commercial uses at-grade and Residential uses above.
- 1.5. "Municipality" means the Regional Municipality of Wood Buffalo.
- 1.6. "On-Street Patio" means a Patio located on a Public Road, which may replace one or more on-street parking spaces.
- 1.7. "Patio" means an open or partially covered seating area with tables, which is an extension of a restaurant, café, bar, pub, specialty food service or similar business.
- 1.8. "Patio Support Funding" means a transfer of monies from the Municipality to a Recipient for a project or purpose according to the requirements outlined in the 2021 Regional Food and Beverage Patio Support Program Administrative Procedure FIN-360-P01 ("Administrative Procedure").
- 1.9. "Premises" means the site area (excluding building footprint(s)) associated with a Property.
- 1.10. "Program" means the 2021 Regional Food and Beverage Patio Support Program.
- 1.11. "Property" means a single titled lot or multiple adjoining titled lots owned by the same individual or entity.
- 1.12. "Public Road" means the right-of-way for a primary highway, secondary highway, street or lane that is registered at Land Titles and is used or intended to be used to accommodate vehicle traffic.
- 1.13. "Recipient" means a business that is approved by the Municipality to receive Patio Support Funding from the 2021 Regional Food and Beverage Patio Support Program.
- 1.14. "2021 Regional Food and Beverage Patio Support Program" ("Program") means a Patio Support Funding program for Property owners and businesses in Region. The Program is intended to be a business recovery initiative in response to the COVID-19 pandemic.
- 1.15. "Residential" means a building that is regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business, and which has housekeeping and cooking facilities for its occupants only.
- 1.16. "Sidewalk Patio" means a Patio that is located on a sidewalk.
- 1.17. "Temporary Boardwalk" means a platform structure that provides an alternative pedestrian walkway, required where a Patio occupies the width of the sidewalk.
- 1.18. "Temporary Outdoor Patio Program" means the new guidelines introduced by the Municipality on April 16, 2021, for expanding temporary outdoor patios while meeting public health requirements and provincial COVID-19 guidelines, reducing administrative requirements, and saving time for Food and Beverage Establishments.

2. Responsibilities:**2.1. Council to:**

- 2.1.1. approve this Policy; and
- 2.1.2. approve any amendments to this Policy.

2.2. Chief Administrative Officer (CAO) to:

- 2.2.1. recommend any amendments to this Policy;
- 2.2.2. support the implementation of this Policy; and
- 2.2.3. review and support any amendments to the Program.

3. General Procedures:**3.1. Program Area:**

- 3.1.1. The Program applies to eligible Food and Beverage Establishments in the Regional Municipality of Wood Buffalo.

3.2. Program Duration:

- 3.2.1. As the Program is intended to be temporary, the Municipality will accept online Patio reimbursement requests from May 27, 2021 until September 30, 2021, and project completion.
- 3.2.2. Patio Support Funding is provided on a first-come, first-serve basis, for successful Recipients, until the budget for the Program has been exhausted.

3.3. Municipal Control:

- 3.3.1. The Municipality may close the Program to new Patio reimbursement requests at any time without notice.
- 3.3.2. The Municipality may terminate the Program at any time without notice.

3.4. Allocation of Patio Support Funding:

- 3.4.1. The Program provides Patio Support Funding from the Municipality to Recipients for temporary or permanent improvements to new or existing patios.
- 3.4.2. Requests can be made for a one-time 100% reimbursement up to \$5,000 in Patio Support Funding for eligible Patio costs. Funds are paid to Recipients based on their request for reimbursement, following the completion of the project.
- 3.4.3. Recipients are required to submit proof of payment for eligible expenses along with photos of the completed work.
- 3.4.4. A one-time Patio Support Funding request per eligible Business will be accepted.

3.5. Participation of Downtown Revitalization Incentive Program Grant Recipients and their Buildings:

- 3.5.1. Downtown businesses are eligible to apply for either the Downtown Revitalization Incentive Program (DRIP) Patio Grant (Phase 1 or 2) or the 2021 Regional Food and Beverage Patio Support Program, but not both. Businesses who received, have an active application, or have been approved for DRIP funding are not eligible for this program.

3.6. General Eligibility Criteria:

- 3.6.1. The Recipient must be the food and beverage establishment Property owner(s) or tenants(s).
- 3.6.2. The following is a non-exhaustive list of eligible permanent or temporary Patio types:
- 3.6.2.1. Patio on private Property; or
 - 3.6.2.2. Sidewalk Patio; or
 - 3.6.2.3. On-Street Patio.
- 3.6.3. The existing use is a Food and Beverage Establishment.
- 3.6.4. Property must have an approved Patio permit or an approved or completed registration for the Municipality's Temporary Outdoor Patio Program.
- 3.6.5. Property must meet all Alberta Health Services requirements, other provincial regulations as applicable, and all provincial and municipal safety requirements.
- 3.6.6. The following are ineligible under the Program:
- 3.6.6.1. all Residential buildings and Premises (not including Mixed-use buildings);
 - 3.6.6.2. home occupations and home businesses;
 - 3.6.6.3. government buildings (municipal, provincial or federal), except for ground floor units occupied by Commercial tenants;
 - 3.6.6.4. projects or work solely intended to restore or remediate losses or damages caused by the 2020 spring flood and/or return buildings to pre-flood conditions;
 - 3.6.6.5. projects that include improvements that, in the opinion of the Municipality, represent routine maintenance; and
 - 3.6.6.6. costs associated with work already started prior to January 1, 2021.
- 3.6.7. The following must be satisfied and will be verified by the Financial Services Department at the time a request for Patio Support Funding is submitted:

- 3.6.7.1. the Food and Beverage Establishment must have an active Business License; and
- 3.6.7.2. property taxes, utility bills, legal disputes, enforcement citations, and other fees owed by the business must be satisfied or paid, or payment plans for outstanding payments must be current.

3.7. Eligible and Ineligible Costs:

- 3.7.1. The following project costs are eligible:
 - 3.7.1.1. project management, engineering, design, and other professional fees, including fees for professional drawings, to a maximum of 15% of eligible project costs before taxes;.
 - 3.7.1.2. professional fees paid are eligible if they are:
 - i. incurred after January 1, 2021; and
 - ii. necessary to obtain contractor estimates or permits and are directly related to the project being proposed;
 - 3.7.1.3. direct project labour costs;
 - 3.7.1.4. materials and supplies, including:
 - i. shipping and freight; and
 - ii. rental of tools and equipment;
 - 3.7.1.5. municipal planning permit fees (development permits, building permits and trades permits); and
 - 3.7.1.6. Goods and Service Tax (GST).
- 3.7.2. The following project costs are not eligible:
 - 3.7.2.1. costs associated with time or labour performed by the Recipient;
 - 3.7.2.2. costs associated with losses or damages caused by the 2020 spring flood, including but not limited to, clean-up costs, demolition costs, landfill tipping fees and costs associated with returning buildings to pre-existing conditions;
 - 3.7.2.3. incidental costs, such as gas, tools (purchases) or other consumables;
 - 3.7.2.4. insurance and warranties; and
 - 3.7.2.5. contingencies, profit and other non-specific costs.
- 3.7.3. Ineligible product and material costs may include:
 - 3.7.3.1. electronics, including televisions and sound systems; and
 - 3.7.3.2. appliances, including barbeques.

3.8. Patio Reimbursement Request Requirements:

- 3.8.1. The Municipality shall require the following items to accompany all Patio reimbursement requests:
 - 3.8.1.1. written description of Patio improvements including cost estimate, project timeline, proof of payment for expenses, location, and photos of completed work; and
 - 3.8.1.2. confirmation if the patio was pre-existing or newly created.
- 3.8.2. Once a Patio reimbursement request is received, the Financial Services Department will review the request and, if eligible, issue a cheque in the name of the business within thirty (30) days (approximately).
- 3.8.3. Businesses may be required to provide proof of insurance for projects on or above municipal land:
 - 3.8.3.1. A minimum of two (2) million dollars (\$2,000,000) for Sidewalk Patios that do not require a Temporary Boardwalk.
 - 3.8.3.2. A minimum of five (5) million dollars (\$5,000,000) for On-Street Patios or Sidewalk Patios that require a Temporary Boardwalk.
 - 3.8.3.3. A minimum of two (2) million dollars (\$2,000,000) for façade improvements (i.e., awnings, canopies, signs) on or above a sidewalk.
 - 3.8.3.4. Insurance policies shall name the Regional Municipality of Wood Buffalo as an "additional insured."
 - 3.8.3.5. Recipients are responsible for maintaining insurance coverage for the lifespan of their projects and for projects on or above municipal land.

3.9. Construction and Timelines:

- 3.9.1. Improvement and/or construction shall be completed prior to submitting a Patio reimbursement request.
- 3.9.2. As necessary, contractors shall be licensed by the Province of Alberta, have a valid municipal business license and carry the required insurance.
- 3.9.3. Where applicable, Recipients shall obtain all necessary municipal permits and permissions, including but not limited to, municipal business licenses, development permits, building permits, occupancy certificates, street occupancy permits and licenses.
- 3.9.4. Projects shall be completed prior to the program deadline of September 30, 2021.
- 3.9.5. The Municipality may consider extensions to these deadlines if Recipients demonstrate that delays are due to circumstances beyond their control and/or seasonal construction limitations. Recipients shall submit requests for extensions prior to September 30, 2021. Extension requests will be evaluated on a case-by-case basis to determine approval or refusal.

3.10. Patio Reimbursement Value:

- 3.10.1. The Municipality will provide a one-time 100% reimbursement up to \$5,000 in Patio Support Funding for eligible Patio costs per eligible business.

4. Monitoring and Reporting:

- 4.1. The Municipality will maintain records for the timely reporting to Council on the interest in, uptake of, and success of the Program. The Municipality will monitor the:
- 4.1.1. number of Patio Reimbursement requests received, reviewed, approved, completed and funded;
 - 4.1.2. total funding provided under the Program;
 - 4.1.3. Funding provided per Food and Beverage; and
 - 4.1.4. recipient feedback and public perceptions.

SUPPORTING REFERENCES AND POSITION RESPONSIBLE

- Legal References:
- Safety Codes Act, RSA 2000, c S-1
 - Land Use Bylaw No. 99/059

- Cross References:
- Community Investment Program Policy FIN-220
 - Downtown Revitalization Incentives Program Policy FIN-320
 - 2021 Regional Food and Beverage Patio Support Program Administrative Procedure FIN-360-P01

Position Responsible: Director, Finance

COUNCIL POLICY DETAILS AND REVISION HISTORY

Date	Action	Description
May, 2021	Establishment	Council reading and establishment of the Program

APPROVAL

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time as necessary.



Don Scott, Mayor



Jade Brown, Chief Legislative Officer

May 26, 2021

Date