



Subject: Pop-Up Patio Review and Recommendations

To: Council

From: Chief Administrative Office

Report Number: 2022-22

Meeting Date: February 8, 2022

Recommendation:

That Chief Administrative Office Report 2022-22 be received;

That the recommendations outlined in Appendix A to Chief Administrative Office Report 2022-22 be approved and adopted as a City policy; and

That Council approve discontinuing Encroachment Application COVID-19 and that patio fees for 2022 be waived.

Purpose:

The purpose of this report is to update Council on the staff review and stakeholder consultation of the Encroachment Application COVID-19 and pop-up patio guidelines and make recommendations for enhancements for 2022 and beyond.

Background:

Report 2019-49, Adopt a Policy for Encroachments on City Property, was passed by Council in April 2019 and directed staff to develop Pop-up Patio Guidelines. These guidelines were to be applied consistently and provide a standard for applications to use City-owned property such as parking stalls and sidewalks.

The encroachment policy has been in use since 2019 and the guidelines since 2020. It was determined that after three years, a fulsome review of any issues, concerns and successes of the program would be undertaken. This review was initiated by Economic Development and Tourism Services staff in November of 2021 after two requests were received from West Street businesses: one for a patio extension into late December and one for a heated patio extension through to April 2022. These requests were approved

by Council as pilot programs.

Discussion:

Staff contacted the Downtown Business Improvement Area (BIA), and local business owners on West Street and Clarence Street and received overwhelming feedback that the Pop-up Patios, permitted through the City's Encroachment By-Law, were very successful. Many businesses indicated that it was an "economic lifeline" during COVID-19 related shutdowns. Going forward, business owners would like to see the program continue on a permanent basis. The experience over the past two years has identified the need for some changes that would enhance and continue to move the program forward for the benefit of local businesses, the vibrancy of the downtown, and the entire community.

The recommended changes to the Pop-up Patio Guidelines are based on feedback received during internal discussion with staff and external consultations with businesses and stakeholders. Key changes and additions to the guidelines are as follows:

- Applications to be received by Economic Development & Tourism Services
- Dates for Pop-up Patios to be expanded from April 1st to November 15th
- Up to three Pop-up patios per block be allowed on West Street
- City can approve up to two parking stalls per business or any size within, such as 1.5 stalls
- Pop-up Patios shall not extend beyond the frontage of the sponsor business without the approval of the City and neighbours must be notified in writing through the application that a patio will extend across the front of their business.
- Recognizing that parking stalls do not always line-up with sponsor businesses and frontage, care will be taken to minimize impacts on encroached businesses.
- The City will approve the placement of the Pop-up Patios in consultation with the encroached businesses. Multiple neighbouring businesses may sponsor a shared platform that spans multiple storefronts.
- The sponsor business agrees that the City will not be responsible for any damage caused by winter control or other City operations and that the sponsor will be responsible for all snow within the sidewalk and the boulevard area being utilized through the encroachment permit.

Pop-up patios allows for a patio to extend their alcohol serving license onto City property. Restaurants will be required to provide an insurance certificate in the amount of \$5,000,000 for Commercial General Liability and Liquor Liability with the City of Port Colborne named as an additional insured. This requirement assists in mitigating risk to the City for alcohol service on City property.

Internal Consultations:

Internal consultations were conducted with By-Law Enforcement, Public Works, Economic Development and Tourism Services, and Ward Councillors. A review of concerns and inquiries received over the past two years was also conducted.

Financial Implications:

There are no financial implications for the approval of the revised guidelines.

Currently, the City's fees for a business to erect a Pop-Up Patio on City property are \$50 for renewals and \$300 for new patios. Within the Downtown CIP area, fees were previously reduced to \$179.

Staff are recommending that patio fees for 2022 be waived to show the City's continued support for small businesses who have been operating in a very challenging economic and retail environment for almost two years.

Public Engagement:

The Economic Development and Tourism Services Division consulted with the Downtown BIA Executive Director, Board Chair, and local business owners on West Street and Clarence Street.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
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Conclusion:

The Pop-up Patio Guidelines promote vibrant pedestrian-oriented streets within the downtown. The proposed revisions and support for local businesses is in alignment with the 2018-2028 Economic Development Strategic Plan and creating a revitalized downtown, contributing to the growth of a dining, arts, cultural and shopping atmosphere. The proposed revisions provide an opportunity for the City to support the development of local businesses by creating new opportunities for local restaurants and enhancing the utilization of public spaces.

The waiving of patio fees for the 2022 season aligns Port Colborne with other municipalities in the Region and is supportive of the business community affected by the pandemic since March 2020.

Appendices:

- a. Proposed guidelines to be adopted as City Policy

Respectfully submitted,

Bram Cotton
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.