



Subject: Pop-Up Patio Review and Recommendations

To: Council

From: Chief Administrative Office

Report Number: 2022-54

Meeting Date: March 8, 2022

Recommendation:

That Chief Administrative Office Report 2022-54 be received; and

That the recommendations outlined in Appendix A to Chief Administrative Office Report 2022-54 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 on 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 approved 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 that 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.

CAO Report 2022-22 was presented at the February 22nd Council meeting. Council directed staff to modify the Design Standard section of the proposed policy, more specifically Section 2 – Dimensions, to ensure that patios could not extend past the boundary of the requesting property without the approval of the neighbour of the affected property and incorporate this change to the policy and bring the report back to the March 8th Council meeting for final approval.

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 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, including suggested changes arising from the February 22nd Council meeting are as follows:

- Applications will 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 to 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 neighbour(s) affected.
- The City will approve the placement of the Pop-up Patios in consultation with the 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 due 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.
- Discontinue the Encroachment Application COVID-19, and previous applications revert to the standard application.

- Pop-up patios in the footprint of Canal Days be assessed a fee as part of the application to be determined to support Canal Days starting in 2023.
 - As part of the application businesses are 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.
 - As per Section 8.2 of the Council approved Encroachment Policy, the business owner will be required to indemnify and save harmless the City against any and all damages which result from the encroachment.
 - If more Pop-up Patios are requested than the amount permitted in the policy, a parking evaluation will be conducted to determine if more spaces can be allocated. If more spaces cannot be accommodated Staff will conduct a lottery for the available spaces.
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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,

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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.