



Subject: Pop-up Patio and Encroachment Fees 2023

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-85

Meeting Date: May 9, 2023

Recommendation:

That Chief Administrative Officer Report 2023-85 be received; and

That Economic Development and Tourism Services staff be authorized to extend the waiving of sidewalk encroachment agreement fees and pop-up patio fees for 2023, and to bring back a recommendation on a fee schedule for 2024 in September 2023.

Purpose:

The purpose of this report is to follow-up on past reports from 2021 and 2022 and Council approvals that waived pop-up patio fees for new applications and renewals.

Background:

As part of Report 2019-49, Council directed staff to develop pop-up patio guidelines to address temporary encroachments on City Property. These guidelines were to be applied consistently and provide a standard for applications requesting 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. The policy and guidelines were reviewed and updated in 2022 and reported on to Council on March 8, 2022, Report 2022-22.

The worldwide COVID-19 pandemic, which began in March of 2020, led to significant shutdowns in society including in-person, indoor dining and restrictions of patrons. This caused hardship for many businesses such as restaurants, bars, and food establishments and the recovery post-pandemic continues.

To support the business community during this challenging period, the City waived patio fees for new and existing patios. Business owners indicated that the ability to have outdoor patios during the COVID-19 restrictions, was an “economic lifeline” and now see it as an important part of their business activities due to the popularity of outdoor dining.

Discussion:

Permitting temporary extensions of commercial patios in Port Colborne has been vital to the increased operation and overall survival of businesses across the City. The patio program has been a welcome addition to programming and attractions across Port Colborne while supporting local businesses through expanded service areas during the patio season, which runs from April 1st to November 31st each year.

Municipalities throughout the Niagara Region have been reviewing patio fees for 2023. Some municipalities are reinstating fees and other municipalities are waiving fees in 2023.

Staff recommend that the applicable fees be waived for 2023. Staff will review best practices and fee structures from other municipalities and bring forward a recommendation for 2024 fees in September 2023.

Financial Implications:

The previous City fee for patio renewals was \$50 and new patios was \$325. Within the downtown commercial district fees for new patios have been previously reduced to \$179. Staff recommend that fees for new patios and renewal fees for 2023 be waived to show the City’s continued support for small businesses, restaurants, bars, and food establishments that continue to operate in a challenging economic environment.

The waiving of patio fees and approval of patios on West Street do not exempt businesses with patios from any Canal Day initiatives. Establishments will be required to remove patios for Canal Days. However, the City is working with the Downtown BIA for enhanced opportunities for these businesses around Canal Days for beverage sales that would allow the patios to remain through a separate agreement.

Public Engagement:

The Economic Development and Tourism Services Division consulted with the Downtown BIA Executive Director and other 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 and temporary encroachment programs promote vibrant pedestrian-oriented streets within the downtown and across our City. Support for local small businesses creates a revitalized downtown, and contributes to the growth of a dining, arts, cultural, and shopping atmosphere while enhancing the utilization of public spaces.

The waiving of these fees for 2023 aligns Port Colborne with other municipalities within Niagara and provides time for further consultation and study leading into 2024.

Appendices:

- a. Letter / Resolution from the Downtown BIA

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex. 504
Bram.Cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex. 502
Gary.Long@portcolborne.ca

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.