
HALDIMAND COUNTY

Report EDT-01-2022 Seasonal Sidewalk and On-Street Patio Program Installation Period Extension 2022



For Consideration by Council in Committee on March 1, 2022

OBJECTIVE:

To extend the Seasonal Sidewalk and On-Street Patio Program for the 2022 season.

RECOMMENDATIONS:

1. THAT Report EDT-01-2022 Seasonal Sidewalk and On-Street Patio Program Installation Period Extension 2022 be received;
2. AND THAT a temporary extension of the Seasonal Sidewalk and On-Street Patio Program from March 15, 2022 to January 1, 2023 at 12:00 a.m. to further support food and drink establishments impacted by COVID-19, be approved;
3. AND THAT the General Manager of Community and Development Services be authorized to allow the use of municipal property for seasonal patios as outlined in Report EDT-01-2022.

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Reviewed by: Lidy Romanuk, BA, EcD, Manager, Economic Development and Tourism

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Staff are proposing to extend the seasonal sidewalk and on-street patio program installation period for the 2022 season to assist food and drink establishments in retaining additional outdoor seating to support these businesses that have been significantly impacted by COVID-19 restrictions. The same extension was considered and approved by Council in 2021 through Report EDT-03-2021. This report seeks to accommodate that need by extending the program's start and end dates to March 15, 2022 and January 1, 2023 respectively. Doing so will also align with the permissions extended to patios on private commercial properties via the temporary use by-law outlined in report PDD-01-2022. County staff in various operational divisions have reviewed this request and are supportive. While this report will only deal with the 2022 patio season, a longer term/permanent extension is being evaluated and will be addressed through a subsequent report.

BACKGROUND:

In 2018, Council approved the Seasonal Sidewalk and On-Street Patio Pilot Program, which granted permission to commercial establishments to use County property for seasonal patios during the summer months of 2018 and 2019 (May 1st to October 31st). This program was then made permanent in May 2020.

In fall 2020, staff received feedback from permit holders wishing to extend their patio season due to COVID-19 restrictions limiting seating capacity at their establishments. In October 2020, a report was approved by Council to extend the Seasonal Sidewalk and On-Street Patio Program period from October 31, 2020 to January 1, 2021. As COVID-19 restrictions continued into 2021 and food and drink establishments remained unable to return to full operational capacity, business owners once again approached staff to request the 2021 patio season be extended beyond the permitted timeframe of May 1 to October 31. In response, staff recommended the season run from March 15, 2021 through to January 1, 2022, which was approved by Council in February of 2021 and operated without issue. No other changes are being proposed to the guidelines. Staff have already received requests from food and drink establishments regarding requests for early installation.

ANALYSIS:

Staff are recommending the 2022 patio season be extended to March 15, 2022 through January 1, 2023. This will mirror the extension Council approved in 2021, and align with the temporary use by-law permissions extended to private patios that Council recently approved through Report PDD-01-2022 at its February 14th meeting. No other changes are being proposed to the guidelines. Staff have already received requests from food and drink establishments regarding requests for early installation.

All issues previously identified by staff associated with extending the seasonal sidewalk and on-street patio operating period, were addressed in Report EDT-12-2020 Seasonal Sidewalk and On-Street Patio Program Installation Period Extension and Report EDT-03-2021 Seasonal Sidewalk and On-Street Patio Program Installation Period Extension 2021.

The staff comments received previously during the preparation of these reports will still be applicable moving forward, including:

Winter Control and Snow Removal

As previously determined, business owners will need to commit additional resources to hire a contractor for snow removal around and adjacent to the existing patios (both on sidewalk and those located in parking spaces). While businesses are responsible for clearing sidewalks in front of their establishment, the hiring of a contractor demonstrates a commitment that would ensure a clear pathway around the patios for emergency personnel and pedestrians. It also ensures the potential for increased costs due to snow removal does not become the responsibility of the County.

Installation of Heaters on Patio

If heaters are to be installed on patios, they will be required to meet Fire Code standards. This information will be included in the application. Applicants will be advised of Fire Code regulations for patio heaters and will be requested to reach out to Haldimand County's Fire Prevention Officers to discuss their plans to install heat and any type of tent structure.

Concept Plans and Building Materials

Emergency Services requested that once a concept plan and building materials are approved by Haldimand County, no alterations should be made to these plans by the business owner without further consultation with staff. This pertains particularly to barriers directing the public from the sidewalk to safe zone walkways. Staff included this as a condition in our program guidelines in 2021 to ensure that businesses are aware that no changes can be made to the structural integrity of the patio or barriers without consultation with Haldimand County Staff.

Liability as a Result of Regular Snow Removal by Haldimand County

The need to consider the liability associated with damage during the course of regular snow removal. As previously determined, any damage to patios via regular snow removal will be covered under the business's insurance or under Haldimand County's insurance (depending on the nature of the occurrence). In terms of liability associated with damage the County may not be able to adhere to the same standard of risk that is typical, however the mitigation of damages are reduced. Each business is required to provide insurance to the municipality prior to receiving their original patio permit.

No additional program changes are being proposed outside of the extension of the patio season. A business that wishes to participate in the patio extension on municipal property must ensure it is in conformity with all County/Provincial/Federal by-laws and legislation (i.e. Property Standards By-law, Zoning By-law, Noise By-law, the Official Plan, and compliance with the *Accessibility for Ontarians with Disabilities Act*, etc.). Further, it is still the responsibility of the Applicant to meet all licensing requirements that would normally be mandatory to operate the establishment, including the Health Unit and Alcohol and Gaming Commission of Ontario permits. To review requirements of the program please see (Attachment 1 - Seasonal Sidewalk and On-Street Patio Program Guideline 2022).

Staff are recommending that Council approve the extension of the Seasonal Sidewalk and On-Street Patio Program season from March 15, 2022 through January 1, 2023. Extending the patio season has a direct benefit to local businesses as additional seating will further support these businesses that have been significantly impacted by COVID-19 restrictions over the past two years. The additional outdoor space could potentially result in additional patrons and revenue for businesses who have struggled due to previous COVID-19 restrictions; as such, staff are recommending additional support be provided to these businesses as the pandemic continues.

As noted above, staff will be reviewing the merits of permanently extending the program over the course of 2022. Staff will gather feedback from the operators, as well as Divisional staff that have an interest in any potential impacts to municipal infrastructure and service provision. Another year of operations under this temporary extension will allow for a further full season to monitor outcomes. It is noted that 2021 did not produce any challenges, although, there was limited uptake to the extended season (i.e. one operator).

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Municipal staff across several divisions including Legal & Support Services, Planning and Development, Roads Operations, Emergency Services, and Building & Municipal Enforcement Services, were consulted on expanding the current patio season, and their concerns have been addressed.

Local business organizations have been informed of changes being proposed to the program and no concerns were raised. These organizations will continue to be consulted on any proposed changes to the program.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Seasonal Sidewalk and On-Street Patio Program Guidelines 2022.
2. Seasonal Sidewalk Permit 2022.