



**SUBJECT: Pop-up Patio Pilot Program update**  
**TO: Planning and Development Committee**  
**FROM: Department of City Building – Planning Building and Culture**

Report Number: PB-22-18

Wards Affected: 2

File Numbers: 560-08

Date to Committee: April 4, 2018

Date to Council: April 23, 2018

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**Recommendation:**

Continue the pop-up patio pilot program for an additional two years, in accordance with the modifications as outlined in department of city building report PB-22-18, with staff reporting back to Council at a future date following further evaluation of the pilot program; and

Authorize the Mayor and Clerk to execute any documents in connection with this matter, subject to the satisfaction of the City Solicitor.

**Purpose:**

The purpose of this report is to provide an update on the pop-up patio pilot project initiated in 2015, expanded in 2016 to a pilot program and continued in 2017. It addresses the current status of the pilot program and outlines staff's recommendations to extend the pilot for another two years with changes to the evaluation criteria and introduction of an alternative design option to take effect starting this year.

This report aligns with the strategic directions and objectives of the strategic plan for:

A City that Grows

- Promoting Economic Growth
- Intensification

## **Background and Discussion:**

In 2015, Council approved the pilot project for pop-up patios, authorizing a single pop-up patio in the downtown during the summer of 2015. The request originated from the owner of the restaurant located at 455 Brant Street.

In 2016, Council approved the expansion of the pop-up patio pilot project, authorizing the Director of the Department of City Building (formerly Planning and Building) to approve up to ten (10) pop-up patios within the downtown based on evaluation criteria (with regards to general location and design criteria). Additionally, changes to the original licensing agreement were made in year two respecting conditions related to securities, signage and patio removal protocol.

In 2017, a formal application and review process for pop-up patios was set up and Council enacted a by-law that delegated authority to the Director of Transportation Services to temporarily restrict the common law right of passage of vehicles over portions of the roadway on three downtown streets for the purpose of this program.

## **Program Update**

2017 saw the successful continuation of the pilot program with the installation of two (2) pop-up patios in the downtown at 370 and 455 Brant Street. In effect, this doubled the number of pop-up patios in the downtown from the prior two years of the pilot.

Staff met with the participants following the 2017 season. Both reported a positive experience and have expressed an interest in participating again in 2018 should the program be extended.

Notwithstanding the success of the pilot program, each installation provides an opportunity for review and improvement to the program. These improvements are outlined below and take into account feedback from the public, local area business community, and the participating businesses. Staff proposes that the pop-up patio program incorporate the changes outlined below and continue as a pilot for an additional two years. The extended pilot period will provide further opportunity for evaluation and experimentation respecting the pop-up patio designs and their implementation.

## **Proposed Changes to Program for 2018**

### **Design Criteria**

Staff has identified one issue from last season to be addressed for future pop-up patios:

- Seating height, including tables and chairs, are to be restricted to ensure sightlines and visibility to moving traffic and parking cars are maintained.

This issue will be addressed by adding a criterion to the design criteria, which will limit the height of a table top above the finished floor of the patio, and be incorporated into the revised licensing agreement.

All future proposals will be evaluated using the revised criteria.

### **Length of Season**

The past three years the pilot program has ran from May 15<sup>th</sup> to October 15<sup>th</sup> (a total of 5 months / 154 days). Based on feedback from the opinion based surveys there is a desire for an annual pop-up patio season that should be open from May to October. This feedback is consistent with the current length of season and similar to the length of season in other municipalities surveyed such as the neighbouring City of Hamilton (which runs from May 1<sup>st</sup> to October 31<sup>st</sup>) and Town of Oakville (which runs from April to October). Accordingly, at this time staff is not recommending that the timeframe be changed. However, should consideration be given to shortening the season, staff would recommend that the season end no earlier than September 15<sup>th</sup> (a total of 4 months / 124 days).

### **Alternative Design Option**

For the past three years the pilot program has permitted patios to make use of the available width of the boulevard by incorporating a segment of the abutting parking lane. The patios have generally extended along the length of the associated businesses' storefront and located on the roadway within the parking lane. This design requires that a minimum clear path width of 2 metres provide unobstructed pedestrian access between the building face or property line and the patio. Where space permits a portion of a patio may be accommodated over the curb and onto a portion of the boulevard. With this design option, the patio enclosure, tables, and chairs remain on the boulevard and within the parking lane for the duration of the season. The patio may contain self-service or serviced tables, and alcohol may be served with the appropriate license obtained from the Alcohol and Gaming Commission of Ontario.

As noted above, and prior to writing this report, staff met with the two downtown businesses that participated in last year's program. Both participants expressed an interest in redesigning their patios for the coming season. One possibility is the construction of a pop-up walkway (boardwalk) that provides pedestrian access around an enclosed patio, which would be located at the building face. Similar to the pop-up patio, this 'pop-up walkway' installation would be accommodated for within the parking lane. This alternative design option can be slightly more intensive in terms of physical structure; but has the added benefit of limited potential for conflicts between pedestrians and servers. Staff has also consulted the Burlington Accessibility Advisory Committee (BAAC) with respect to this alternative design option. The BAAC had no objection to this approach.

**Option 1:**



**Current design option (on-street patio)**

(Burlington, ON - 370 Brant St.)

**Option 2:**



**Proposed alternative design option (on-street walkway) with enclosed patio at building face.**

(Sudbury, ON - top; Hamilton, ON - bottom)

The established location and design criteria (including the proposed revision noted above) provide the necessary guidelines to accommodate either design option. All proposals remain subject to the established application process, staffs' review and approval. Staff is recommending that this alternative design option be permitted for the duration of the pilot period.

**Minor changes**

Additional minor changes and revisions are proposed to the evaluation criteria related to terminology (e.g. pop-up patio vs. pop-up installation), matters of consistency and clarity. A copy of the proposed evaluation criteria is attached as Appendix A.

**Financial Matters:**

The Licensee is responsible for the payment of applicable fees to off-set the loss of revenue from municipal on-street parking stalls. To date, there is no application fee associated with this pilot program.

Participants are also required to provide adequate insurance coverage and securities in the amount of \$1,500.00 to protect against any damage to City property during construction, operation or removal of a pop-up installation. The proposed alternative design option, which would support patios located on the sidewalk adjacent to the building face with a pop-up walkway, would also be subject to the applicable fees and securities.

Since the implementation of this pilot, there has been a low uptake in the number of patios in the downtown. One of the reasons may be related to the initial hard and soft costs associated with the program. Staff acknowledges this as a potential barrier to the program and will be reporting back in 2019, at the expiry of the proposed pilot period, with an assessment for a permanent program that would include a strategy for application and permit fees for pop-up installations in the downtown Business Improvement Area.

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## **Connections:**

### **Core Commitment**

This report aligns with the guiding principles of Prosperity, Vibrancy, and Balance rooted in Core Commitment – Burlington’s Downtown Vision and Action Plan.

This report also aligns with the Burlington Downtown Business Association (BDBA) vision “It’s all here” outlined in its Strategic Plan (Focus 2020).

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## **Public Engagement Matters:**

As requested by Council on April 4, 2017, public consultation and engagement was held to gather input from residents, stakeholders and members of the BDBA.

The public engagement included two online surveys, one for residents at large and one for members of the BDBA. Staff was also provided with feedback through surveys provided directly to pop-up patio customers and residents from the condominium building located at 1477 Lakeshore Road. A more detailed summary of the survey feedback is attached as Appendix B.

Approximately 773 people completed the online public survey. The majority of the comments on the pop-up patio program were in favour. A consistent comment from participants of the BDBA survey was a concern that there is not enough parking that could be found by patrons.

Additionally, the survey responses provided a number of suggested changes, including:

- Increasing and beautifying buffer from the traffic lane;
- Permitting space heaters;

- Considering the alternative design option as discussed in the report above, with references being made to examples found in other Ontario municipalities including Barrie, Mississauga [Port Credit], and Oakville. For an example of the alternative design option refer to the images shown for Option 2 at the top of page 4 of this report; and
- More patios and less traffic (through more road closures).

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## **Conclusion:**

The pop-up patios have been viewed as a positive contribution to the downtown. Although there has been a relatively low uptake during the three years of the pilot program, staff recommends that the pop-up patio pilot program be extended for an additional two years. Additionally, staff is recommending that the program incorporate minor changes to the design criteria and be expanded to include the option for an alternative design during this extended pilot period in an effort to stimulate and improve participation in this program.

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Respectfully submitted,

Todd Evershed, MCIP, RPP  
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## **Appendices:**

- A. Revised Evaluation Criteria
- B. Survey Summary

## **Notifications:**

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## **Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.