

# 2023 City of Burlington Outdoor Patio Program - Update for Q4 2022

CPRM December 6, 2022  
PL-76-22  
Staff Presentation



Jason Brander, MPA, MCIP, RPP  
Special Business Area Coordinator  
December 6, 2022

# Background

- The intent of report PL-76-22 is to provide an update on the City-Wide Patio Program and the next steps for the project. The report also requests Council endorsement of the design guidelines.
- There will be another report, which is intended to be the final report no later than February 2023.
- That report will make final recommendations on fees, insurance and will bring forward amending By-laws which will implement the standards contained in the final guidelines.
- The draft guidelines will also be amended to implement the feedback received to date and today from Council.



# City-Wide Patio Program Update

## Project Plan

August-September 2022	<ul style="list-style-type: none"><li>• Project Kick Off.</li><li>• Formation of interdepartmental Patios Team, to meet every two weeks for the duration of the project.</li><li>• Set up project website and online questionnaire that engages both businesses and area residents.</li></ul>
October-November 2022	<ul style="list-style-type: none"><li>• Conduct research and develop draft city-wide patio guidelines and program structure.</li><li>• Community engagement to present draft city-wide patio guidelines and program structure.</li></ul>
Q4 2022 and Q1 2023	<ul style="list-style-type: none"><li>• Preparation of draft city-wide patio guidelines and program structure. Report to Burlington City Council in advance of the 2023 patio season.</li></ul>
Q2 2023-onward	<ul style="list-style-type: none"><li>• On going monitoring and refinement of policies, regulations and guidelines.</li></ul>

## Consultation to Date

- **July 29, 2022** - City Staff, the Burlington Downtown Business Association, and stakeholders from the patio industry participated in a walking tour of the Burlington Downtown.
- **September 9, 2022** – Focus group meeting held with members of the Burlington Restaurant Association (BRA) and BDBA to discuss the project, survey and next steps.
- **September 12 – October 11, 2022** – Get Involved Burlington website launched providing project updates. A public survey was launched about the City-Wide Patio Program to provide an opportunity for residents, patio operators and businesses to comment on the current program and what they would like to see as part of a future.
- **November 10, 2022** – Roundtable with the BRA and BDBA with respect to the draft guidelines.
- **November 10, 2022** – Presentation of the draft guidelines to Accessibility Committee.
- **December 2, 2022** – Guidelines posted for public comment on Get Involved Burlington Page.
- Ongoing consultation and discussion with our internal commenting partners.

# Draft Design Guidelines

## For 2023 Patio Season

- Design guidance for patios on public property (curb lane and sidewalks), as well as patios on private property;
- Accessibility requirements for all patios;
- Instructions of how operators can apply and step-by-step details on how applications will be processed;
- Guidelines related to fencing, umbrellas and canopies; and
- Fire safety requirements.



# Proposed Design Guidelines vs. Previous Design Guidance

Standard	Pop-Up Patio Program (2015-19)	Temporary Patio Program (2020-22)	Proposed Patio Burlington Program - 2023
Pedestrian Clear Path	2.0 m horizontal	2.0 m horizontal	1.8 m horizontal 2.44 m vertical
Dates of Operation	May 15-September 16 (on average)	April 15-October 31	No Change
Number of Patios	Limit of 10 within the Downtown	No limit	No limit
Patio Types	Sidewalk Patio, Curb Lane Patio w/Pedestrian By-pass	No specific regulations regarding patio type.	Sidewalk Patio Curb Lane Patio Patio on Private Property
Temporary Tents	No specific regulations regarding temporary tents.	Per OBC & AGCO Requirements	Per OBC requirements. Locational requirements carried forward.

# Types of Patios - Flexibility Based on Context



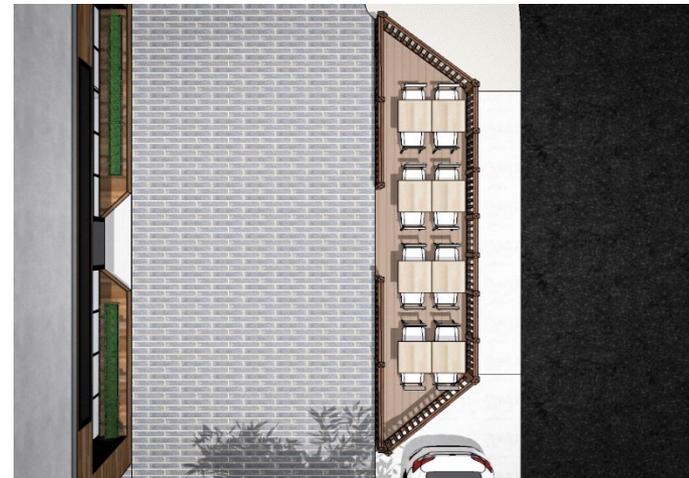
1. Frontage Patio



2. Curbside Patio



3. Frontage Patio w/ Pedestrian By-Pass



4. Parklet Patio

## Fees

- As part of the original Pop-Up Patio Program from 2015-19, the licensee was responsible for payment of fees to off-set the loss of revenue from parking spaces, which amounted to approximately \$3,254.00 for 154 days per space. This fee was eventually reduced and is now \$1,720.00. It was \$1,806.00 as recently as 2019.
- Most municipalities surveyed that were charging a fee for temporary patios reverted to regular permit fees for private property.
- Staff are investigating market rates based on commercial land value and the rates of surrounding municipalities, which is how we will arrive at a fee recommendation for the 2023 season a part of the Q1 report.

# Proposed Insurance

## For 2023 Patio Season

- Recommendation for a \$5 million liability limit, which is a resumption of liability limits from previous years patio programs and was arrived at following consultation with Legal Services including the City's Insurance and Risk Management Officer and City's insurance broker.

# Options for Operation of the Program

For 2023 Patio Season

## Option 1: Continue to Provide Barriers for the Creation of Pedestrian Clear Ways (COVID-era measure)

- Maintaining the status quo, which would utilize the City-owned orange barriers and asphalt ramps to permit pedestrian clear paths on the roadway at an ongoing operational cost of \$15,500.00.
- This cost would be recovered through an additional fee on top of the base fee, administered at the time an operator is approved for a curb lane patio, if there is additional work required for the City to install and maintain required safety devices (knock down bollards, hazard marker signage, planters, etc.)

# Options for Operation of the Program

## For 2023 Patio Season

### Option 2 (Recommended by Staff): Discontinue Providing On-street Barriers for the Creation of Pedestrian Clear Paths on Roads (Pre-COVID approach):

- This would place the onus on restaurant operators to provide and install a pedestrian by-pass where permitted, which is the same practice as the former Pop-Up Patios program.
- There would still be ongoing costs associated with installing and maintaining required safety devices, which could include the installation of orange barriers in some locations, at an estimated cost of \$10,000.00. However, the requirement for the City to install asphalt ramps to access pedestrian clear paths would be eliminated.
- Based on the fees as outlined above and assuming a similar uptake of 14 patios on public property like the 2022 patio season, the revenues generated by collecting a permit fee at the rates recommended above may offset costs by approximately \$10,000.00 for 2023.

# Next Steps

## For 2023 Patio Season

- Q1 2023 Final Report – **no later than February** which will implement a streamlined application and permit process, finalized fee structure and patio design guidelines.
- Staff will recommend approval of an amendment to Zoning By-law 2020 to permanently implement zoning standards for the outdoor patio program.
- Staff recommend that Council endorse, in principle, the draft Patio Burlington Design Guidelines attached as Appendix B, with modifications as a result of additional stakeholder consultation to be included in a Final Report to Council by Q1 2023.

For more information, visit:

<https://www.getinvolvedburlington.ca/city-wide-patio-program>

## City Wide Patio Program



The City of Burlington is creating a set of new guidelines for patios and temporary tents. The new guidelines will:

- provide design direction to business operators,
- think of pedestrians, cyclists and motorists,
- create consistent rules, regulations and design for patios,
- create a new, streamlined process to apply for a patio permit for operators.

As part of this study, staff are looking into a City-wide approach to patios. Your feedback will help us to create new guidelines.

We introduced patios in 2015 under the Pop-Up Patio Program in the downtown core. During the City's COVID-19 response, the [Temporary Outdoor Patios](#) Program was approved by Council and runs until October 31, 2022.

Restaurant and business owners, please contact [Jason Brander](#) to fill out the business/restaurant patio survey.

SURVEY

### Patio Survey General Public

Please provide your input as we prepare for the 2023 patio season. This survey is for the general public.

Restaurant/business owners, please contact [Jason Brander](#) for the restaurant/business patio survey.

Take Survey

