



SUBJECT: Seasonal outdoor patio program update

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-77-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information community planning department report PL-77-24 as an update on the Burlington seasonal outdoor patio program.

PURPOSE:

This report provides a response to the staff direction (SD-01-24) from the Committee of the Whole Meeting of Feb. 5, 2024, to:

Direct the Director of Community Planning to report back in Q4 2024, following the implementation and operation of the 2024 patio program to evaluate program outcomes and continued implementation of the permanent city-wide seasonal outdoor patio program.

Vision to Focus Alignment:

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Executive Summary:

In February 2024, City Council approved a permanent city-wide seasonal outdoor patio program. As part of that approval, City Council directed staff to report back following the implementation and operation of the first year of the permanent program to report on outcomes and look for improvements.

In response to the Council direction, staff have gathered feedback from participants and patio operators through the implementation of the new 2024 program. Staff also undertook a review of the patio program to identify improvements to the program. This report outlines improvements to application processing and approval timelines, communications and customer service, and expectations for patio installations on public property, all of which staff are proposing to implement through delegated authority under the City's Seasonal Outdoor Patio By-law.

Staff are confident that the proposed improvements to the program will support both existing and new participants in the Seasonal Outdoor Patio Program and will build upon the success of the program to-date.

Background and Discussion:

On Feb. 13, 2024, City Council approved a permanent city-wide Seasonal Outdoor Patio Program (SOPP) beginning in 2024 and passed three amendments to the proposed staff recommendations, including:

- Removing the user fee related to roadside safety barrier rentals,
- Setting the requirement for applicants to provide liability insurance in the amount of \$2 million for patios on public property; and
- Directing the Director of Community Planning to review and report back on the new program at the end of the first season (subject of this report).

More background information on the permanent Seasonal Outdoor Patio Program , can be found within [Report PL-63-23](#), and the supplementary [Report PL-05-24](#) and [memo](#).

The SOPP does not include the approvals for patios that are temporarily or permanently installed on private property. These installations will continue to be assessed based on the property's specific land use permissions and zoning regulations. Requests for patios on private property will be considered through existing planning approval, building permit or liquor licence processes, where applicable.

A full summary of Council's decisions relating to the creation of the previous Pop-Up and Temporary Patio Programs can be found as [Appendix A to Report PL-63-23](#).

Strategy/process/risk

2024 Seasonal Outdoor Patio Program in Review

Once the permanent SOPP was approved by Council in February of 2024, staff worked closely with applicants and operators to navigate the new application processes in advance of the 2024 patio season. While significant efforts were made, the condensed timelines and navigation of the new permanent program did result in some delays in terms of the approval and setup of patios. Some applicants did not receive their permits until after the May long-weekend. Notwithstanding, staff are confident that the familiarity with the permanent program will result in a more efficient and streamlined process for the 2025 patio season.

In 2024, 13 applicants were approved for seasonal outdoor patios on public property. Despite the introduction of application and permit fees in 2024, the program saw the same number of participants on public property as it did in 2023.

Streamlined Renewal Process in 2025

Returning participants to the program in 2025, who make no changes to their patios will benefit from a streamlined renewal process and will not be required to pay an application fee¹.

Changes and Key Improvements to the Seasonal Outdoor Patio Program for 2025

The City is committed to the continuous improvement and delivery of a better program in 2025.

Informed by engagement with the Burlington Downtown Business Association (BDDBA), restaurant owners/patio operators, and feedback from staff, several changes will be made to the SOPP in 2025, as summarized in Table 1 below and detailed in Appendix A to this report.

¹ In accordance with the Council-approved program in 2024, an annual seasonal outdoor permit fee will be required and is payable at the time of permit issuance.

Table 1

Program Element	Key Improvement
Application Processing and Approval Timelines	<ul style="list-style-type: none"> • City staff to begin accepting applications for seasonal outdoor patios on Jan. 1, 2025. This is two and half months earlier than the existing date of March 15 and will provide ample time for application submission and review. • City staff will implement an application deadline of March 1 for all applicants wishing to open their patios by April 15. Applicants can still submit after March 1 but will not be guaranteed approval by April 15. • By Jan. 1, 2025, city staff will implement a streamlined review process for patio renewals on public property with no changes. An application fee will not be required for renewals with no changes. Renewals will still be required to submit an annual permit fee of \$40.00 per square metre for use of the public space.
Communication and Customer Service	<ul style="list-style-type: none"> • City staff to issue pre-approval notices for applications approved for the 2024 season by Nov. 30, 2024. These notices will guarantee approvals for applicants returning with no changes to their patio designs and will provide information on how to re-apply in 2025. • City staff will provide updates to applicants regarding their application status as they complete each step of the application process. • City staff to assist with streamlining of communications between patio operators and contractors. • City staff to create a simplified outline of the application process. • City staff to create a pre-application checklist for patios webpage. • City staff will provide invoicing as a fee payment service for applicants to the SOPP.
Expectations for Patio Installations	<ul style="list-style-type: none"> • City staff to clarify the expectations for inspections of pedestrian by-passes and patios on city streets. • City staff to reduce the number of water-filled barriers required on Elgin Street.

Financial Matters:

Total Financial Impact

Fees for the Seasonal Outdoor Patio Program were reintroduced in February 2024. For patios on public property, these included an application fee of \$492.92 (per location) and a seasonal patio permit fee of \$40.00 per square metre of public property used for patio space. The total application and permit fees generated in 2024 by the Seasonal Outdoor Patio Program were \$38,363.06 as shown in the Table 3 below.

Table 3- 2024 SOPP Application and Permit Fees

Application Fees	Seasonal Patio Permit Fees	Total
\$8,379.64	\$28,993.42	\$38,363.06

The total amount of \$38,363.06 does not cover the full costs of running the City of Burlington's Seasonal Outdoor Patio Program. When staff factor in barrier rental and deployment, the overall program cost is approximately \$52,697.27. As such, in 2024 the program operated on a partial cost-recovery basis.

In 2025, the SOPP will continue to operate on a partial cost-recovery basis, however, the total number of water-filled barriers required for the program will be reduced, effectively decreasing the program costs by approximately \$2,200.00.

Source of Funding

N/A.

Other Resource Impacts

Staff resources from various departments will continue to be required for the management of the program with the streamlined renewal process and operational changes related to the deployment of fewer roadside safety barriers in 2025 expected to result in a positive impact on resources.

Climate Implications:

Curbsides have long been one of the most important spaces in cities, and for the most part they have been an afterthought with parking as the default use. By activating the curbside in a more valuable way for patio uses, it increases the vibrancy of the public realm and has changed the way people perceive the value of the right-of-way. The patio program encourages walkability and prioritizes pedestrian movements, which results in less dependence on the automobile as a mode of transportation. As confirmed by ongoing engagement, the public has embraced the current program's ability to transform the general atmosphere and liveliness of business areas, particularly in Downtown Burlington.

Engagement Matters:

Staff have taken several opportunities to collaborate with the Burlington Downtown Business Association (BDBA), as well as other patio operators and their agents regarding ongoing improvements to the Seasonal Outdoor Patio Program. Additionally, planning staff have reached out to internal stakeholders involved in the Seasonal Outdoor Patio Program to receive feedback on proposed improvements.

On June 25, 2024, staff met with the BDBA, patio operators, and Pop-Up Street patios for a debrief of the 2024 patio season, and to receive feedback on how the program can be improved as we move into the 2025 patio season and beyond.

On Aug. 13, 2024, staff had a second meeting with the BDBA, patio operators, and Pop-Up Street patios to respond to feedback received, and to share proposed improvements to the patio program based on feedback received.

In August 2024, staff reached out to all participants from the 2024 patio season to ask for further feedback on the 2024 patio season.

Based on feedback received from both internal and external interested parties, this review has helped to generate recommended changes to several different elements of the program, including:

- Application processing and approval timelines;
 - Communications and customer service; and
 - Expectations for patio installations.
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Conclusion:

This report shares the findings of an operational review of the 2024 Seasonal Outdoor Patio Program and identifies several planned improvements for the 2025 outdoor patio season in response to feedback received from both internal and external stakeholders.

Respectfully submitted,

Nikolas Wensing
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Appendices:

- A. Summary of Stakeholder Feedback & Responses – Review of the 2024 Seasonal Outdoor Patio Program

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.