

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

All feedback received has been reviewed and considered by staff for improvements to the Seasonal Outdoor Patio Program. This appendix summarizes comments and responds to the input received.

Within the table below, under the “Stakeholder Feedback” column, feedback is summarized for reference. Under the “Staff Response” column, city staff have provided a response and rationale for proposed improvements to the program.

Stakeholder Feedback	Staff Response
<p>An ideal start date would be May 1st.</p>	<ul style="list-style-type: none"> • City staff will be issuing pre-approval notices to patio operators who were approved in 2024 provided they re-apply for the same design that was installed in 2024. The notices will also provide information on the timelines and processes for an application in the 2025 patio season. • Seasonal outdoor patio applications to be accepted starting Jan. 1, 2025. In 2024, application intake started on March 15. Accepting applications two and half months earlier will provide operators with ample time to work through their applications with city staff and ensure that as many patios as possible are approved by April 15. • Staff are implementing an initial application submission deadline of March 1, 2025 for operators who wish to be operational by April 15, 2025. Applications submitted after this initial deadline will be processed on a first come first serve basis but approval would not be guaranteed by April 15, 2025. • For permits being renewed with no changes, a streamlined application review process will be implemented in 2025 without the need for an additional application fee. Staff note that for most applicants, the lengthiest portion of the application process for seasonal outdoor patios in 2024 was the review of the submitted site plan. If an applicant is using the exact same site plan that was approved in 2024, staff do not believe there is a need to review the site plan a second time. Eliminating this part of the review process will result in a significant decrease in staff time spent reviewing patio applications. The application fee of \$492.92 would only be applicable

	<p>for new applications, and for renewals with changes. The only exceptions to this process will be patio layouts impacted by future construction projects or other permanent changes to the public right-of-way. As these projects or changes might impact a previously approved patio layout, the City may require a new application and new drawings on a case-by-case basis.</p> <ul style="list-style-type: none"> • The revised application process for a renewal with no changes will consist of the applicant submitting a simplified application form to confirm their participation, providing proof of insurance, selecting of a preferred fee payment method, and confirming that the previously used patio space and plan attached to their 2024 patio permit will not change. Once staff confirm that the applicant’s insurance is still sufficient, a permit can be issued to the applicant and the operator can set up their patio on April 15 once all patio fees have been paid and permit conditions are met. A renewal option for temporary liquor licences in connection to seasonal outdoor patios on private property was also explored. Given the already simplified nature of this process, changes are not recommended at this time.
<p>Some operators on private lands have inquired whether an approval as simple as a seasonal outdoor patio approval could be implemented for a permanent patio approval.</p>	<ul style="list-style-type: none"> • 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. • For businesses that intend to sell or serve alcohol on a patio, one key difference for a permanent patio is the requirement to obtain a liquor licence approval from the Alcohol and Gaming Commission of Ontario (AGCO). Whereas municipalities have been given the authority to approve a liquor licence for a temporary patio. If successful, an applicant must notify the AGCO of their approval. For temporary patios on public property a permit obtained through the SOPP can be used to apply to the AGCO.
<p>Reviewer Feedback: The quality of some of the</p>	<ul style="list-style-type: none"> • For an application which does not include a patio or a pedestrian by-pass on the street, a site plan prepared by a qualified professional designer is currently not

<p>submitted site plans makes them very challenging to review. In some cases, staff receive hand-drawn plans, which typically have many deficiencies.</p>	<p>required. Staff do not currently require a site plan prepared by a qualified professional designer for all operators as this helps to reduce the overall cost of participation in the patio program.</p> <ul style="list-style-type: none"> Given the above staff are exploring an option to develop pre-approved plans for implementation in future years of the program, which would be made available to an applicant for submission with their application.
<p>Improve communications and customer service. Provide clarity on how many steps remain in the approval process.</p>	<ul style="list-style-type: none"> Staff will create a simplified outline of the application process to provide to the applicants / operators. This outline will provide a simplified summary of each of the steps involved in how patios on public lands are approved and installed. Staff will commit to regularly informing applicants on their application status. After an applicant completes a step in the process, staff will inform the applicant of how many steps remain in the path toward their final approval. Staff to assist with streamlining of communications between patio operators and contractors. Staff will revise application forms such that the applicant will be able to indicate on the application form if city staff have permission to include the other patio operators on communications regarding their application. Staff will use this information to ensure that both the applicants and associated patio operators are being included on all communications sent out during each step of the review process. Staff will include a pre-application checklist both on the City of Burlington website and on the pre-approval notices to ensure that an applicant is aware of all the submittals required for an application to be deemed complete. Staff are committed to maintaining a continuous feedback loop to facilitate continuous improvement to the patio program. Throughout and after the 2025 patio season, city staff intend on seeking feedback from patio operators to facilitate continuous improvements to the patio program into 2026 and beyond.
<p>Create an invoice payment option</p>	<ul style="list-style-type: none"> The City will provide an invoicing option for the payment of patio fees in addition to the other options available in 2025.
<p>Requirement for the inspection of pedestrian</p>	<ul style="list-style-type: none"> Staff reviewed 11 neighbouring municipalities – including the cities of Brampton, Brantford, Guelph, Hamilton, Kitchener, London, Mississauga, St. Catharines and

<p>by-passes and patios on the street could be removed. Not many other cities have this requirement. This requirement delays the opening of the pedestrian by-passes and associated patios.</p> <p>The city should take on the responsibility for the inspection instead of the applicant hiring a professional consultant to complete said inspection.</p> <p>Despite the inspection requirement, staff have observed some inconsistencies with patio installations and approved plans during the 2024 patio season.</p>	<p>Toronto, as well as the towns of Niagara-on-the-Lake and Oakville. Staff note that while the reasons for the inspections in different municipalities vary, only the City of London did not appear to have any inspection at all as a requirement for patio installations on public property. Additionally, staff note that prior to the opening of pedestrian by-passes on public property during both the 2023 and 2024 patio seasons in Burlington, deficiencies with the by-passes were identified by the inspectors. Due to the inspection requirement, the identified deficiencies were remedied prior to the opening of the pedestrian by-passes to the public. Staff will keep the inspection requirement as part of the patio installation process. Improvements to application processing and approval timelines should provide additional time for inspections to be completed.</p> <ul style="list-style-type: none"> • All 10 municipalities that require an inspection, complete them in-house. • Staff have considered in-house inspections for 2025, but do not currently have the capacity. Additional resources are required to take on in-house inspections and it would likely result in a greater cost borne by the applicant if this level of effort were to be recovered as part of the application fees. Therefore, staff are not pursuing this option. • Modify the inspection requirement within the design guidelines to clarify how the inspection should be carried out.
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<p>Remove the longitudinal portion of the water-filled barriers on Elgin Street in future patio seasons. Given the positioning of the patio and pedestrian by-pass mid-block, bounded by at least one full four-way stop (at the intersection of Elgin and Locust Street) vehicles traveling eastbound or westbound through this leg of Elgin Street should not generate enough speed to merit the need for the longitudinal portion of water-filled barriers at this specific location.</p>	<ul style="list-style-type: none">• The total number of water-filled barriers on Elgin Street will be reduced in future seasons without compromising the safety of the public.
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<p>Cyclists have been attaching their bicycles to patio installations. When cyclists attach their bicycles to patio installations, they serve as an obstruction to both pedestrians and patio patrons – particularly to those with accessibility needs.</p>	<ul style="list-style-type: none"> • City staff have attached no bike parking signage to patio installations in the downtown. • City staff note that the additional bike parking has more recently been made available in the downtown around the patio installations, and signage informing the cyclists of the location of this nearby bike parking has also been attached to many patio installations. • On the patio operator’s end, it is city staff’s understanding that efforts are being made to consistently remind cyclists that the installations themselves are not a place to park their bicycles. • Based on feedback received from patio operators this season, these measures are effective in mitigating bicycle parking on patio installations. City staff will continue to monitor this issue in future seasons. • City staff will make modifications to our Public Lands Patio Guidelines to be more specific on clear path and obstruction requirements to specifically prohibit bicycle parking on patios.
<p>Additional directional signage should be placed around specific patio installations in the downtown on Brant and Elgin Street. Some pedestrians are walking around the pedestrian by-passes and onto the street at these locations in the downtown.</p>	<ul style="list-style-type: none"> • City staff note that the signage used for these patio installations is in line with the Ontario Traffic Council Guidelines. A significant amount of research and development goes into these guidelines, and as such staff will not be deviating from them at a general policy level. Furthermore, staff note that it is important to have consistency regarding the types of pedestrian signage used within the downtown for patio installations. Staff would be willing to consider enhancements to specific patios only where there is substantial evidence of problems at these specific locations.
<p>Divider walls are causing issues. The divider wall is not secured, so the walls fall over when people lean on them.</p>	<ul style="list-style-type: none"> • City staff note that the divider walls are not being bolted/secured into the pavement, as this can result in damage to the sidewalks over the long term. City staff will work with the BDBA to look for alternative means of ensuring that the divider walls are more secure.

<p>The divider walls are hurting business for some operators, as they blocked customers from getting into their establishment via the sidewalk.</p>	
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