



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Bonnette and Members of Council

FROM: Erin Kaiser, Manager of Economic Development and Innovation

DATE: March 4, 2022

REPORT NO.: ADMIN-2022-0013

SUBJECT: Al Fresco in the Hills - Temporary Outdoor Patio Program

RECOMMENDATION:

THAT Report No. ADMIN-2022-0013, dated March 4, 2022, regarding the Al Fresco in the Hills - Temporary Outdoor Patio Program, be received;

AND FURTHER THAT, as part of the Town's ongoing Economic Recovery and Resiliency Plan being implemented in response to COVID-19 impacts on the local business community, Town staff be directed to continue to implement the Al Fresco in the Hills temporary outdoor patio program for 2022;

AND FURTHER THAT Council delegate the authority to Town staff to implement the Al Fresco in the Hills temporary outdoor patio program including all processes, terms and agreements;

AND FURTHER THAT the Al Fresco in the Hills temporary outdoor patio program be sunset as of October 1, 2022;

AND FURTHER THAT any requests for permanent outdoor patios and/or expansions to existing outdoor patios and/or seasonal patios on private property, beyond October 1, 2022, be subject to the Town's standard review process.

KEY POINTS:

The following are key points for consideration with respect to this report:

- In response to COVID-19 impacts on the local business community, the Town has implemented a suite of proactive and decisive actions, including the establishment of the Economic Support and Recovery Task Force.
- The Al Fresco in the Hills temporary outdoor patio program was launched in 2020 to help reduce revenue losses for food and drink establishments (e.g. restaurants, bars) caused by public health restrictions put in place in response to COVID-19, in particular the closure of indoor dining spaces.
- Al Fresco in the Hills, through a streamlined process and free or nominal \$1 charge (Cash-in-Lieu of Parking), as applicable, has successfully provided support to establish 16 temporary patios in 2021.
- Recognizing the continued uncertainty being caused by COVID-19 and the need for a transition period, it is recommended that the Al Fresco in the Hills program continue for 2022.
- With provincial COVID-19 public health restriction having been lifted and indoor dining allowed to return, as well as in light of Town resource and land-use considerations, it is recommended that the Al Fresco in the Hills program be sunset as of October 1, 2022, and any establishments wanting to continue with an outdoor patio beyond October 1, 2022, be required to submit the necessary applications to the Town for consideration.
- Town staff will continue to assist food and drink establishments and streamline the process wherever possible.
- Staff has explored creating a permanent patio program which included investigating options for the two types of patios: (i) those on private property; and (ii) those located in public right-of-way spaces in the downtowns.
- A review process is outlined for 2023 for patios proposed on private property, while a follow-up staff report will be brought to Council in the fall regarding patios in the public right-of-way.

BACKGROUND AND DISCUSSION:

1. Context and Existing Al Fresco in the Hills Program

In response to COVID-19 impacts on businesses, the Town launched and continues to implement a comprehensive suite of business supports, including those contained in the Economic Recovery and Resiliency Plan.

To support food and drink establishments, in 2020, the Town launched the 'Al Fresco in the Hills' temporary outdoor patio program. Al Fresco in the Hills provided restaurants with an opportunity to help off-set the reduction and/or elimination of indoor dining capacity and associated revenue losses, with the establishment of new and/or expanded outdoor patios.

Development and implementation of the existing Al Fresco in the Hills program, entailed:

- Review of municipal practices related to temporary outdoor patios in the COVID-19 context;
- Consultation with the Economic Support and Recovery Task Force, which includes both Business Improvement Areas (BIAs) and the Halton Hills Chamber of Commerce;
- Comprehensive and ongoing communication and promotion of the program;
- Marketing of patio options to customers and visitors via visithaltonhills.ca;
- Advocacy to the province on the need for additional supports;
- Reduction of the Town's standard \$5 million liability insurance to \$2 million;
- Implementation of a \$1 Cash-in-Lieu of Parking program to address the use of parking spaces located on private property for patios;
- Purchase, installation, maintenance and removal of a limited number of on-street barriers to enclose patios placed on roads in the downtowns. The barriers were put in place to help mitigate safety risks. They were provided free of charge to participating restaurants; and
- Reallocation of limited staff resources and funding to manage the program, deliver and remove road barriers, review traffic matters, and review potential land-use considerations.

Al Fresco in the Hills has had a positive impact and the program's objectives have been achieved. In 2021, the Town approved 16 temporary patios. Of these, 14 were located on private property and two within the public right-of-way (in on-street parking spaces) in downtown Georgetown. Appendix 1 illustrates the approved patios.

2. Al Fresco in the Hills – 2022 Season

The Economic Recovery and Resiliency Plan included the consideration of establishing a permanent patio program. This included investigating options for two types of patios: 1) on private property (e.g. in parking lots of commercial plazas); and 2) in the public right-of-way in the downtowns (e.g. public parking spaces along Main Street in downtown Georgetown).

While recognizing the benefits of permanent outdoor patios, both from an economic development and placemaking/pedestrian environment perspectives, there are a number of considerations and challenges associated with moving forward with a permanent patio program that is outside of the Town's standard review and approval process, including:

- At the time of writing this report, restaurants are no longer required to close indoor dining as a result of COVID-19. Previously, with indoor dining not in operation, any potential parking shortfalls caused by the addition or expansion of patios into existing parking areas were offset by the absence of (or reduced) indoor dining. The combination of resumed indoor dining and added/expanded outdoor dining, creates parking concerns.

- Adding or expanding patios within multi-tenant commercial plazas on a permanent basis has the potential to have negative impacts on parking capacity for other uses within the same plaza or create the potential for spill-over parking impacting on adjacent properties.
- Installing patios on public roads requires dedicated staff resources to install, maintain and remove safety barriers. Depending on program uptake, the Town would need to purchase additional barriers. The Town does not currently have adequate resources to undertake this work on a permanent basis.
- Patios on public roads have the potential to cause parking impacts/complaints from adjacent businesses due to the loss of on-street parking.
- Administrative resources, and potential external resources, would be needed to develop, implement and manage protocols and/or technical guidelines that applicants would need to meet for right-of-way patios.
- A by-law and/or formal policy would likely need to be developed and implemented in order to properly review and accommodate public right-of-way patios. Fees will be warranted to offset operating budget impacts.
- Inability for Town staff to properly assess potential land use impacts in the absence of typical Town planning applications being submitted.
- Minor Variance approval for the reduction of parking is permanently tied to a property. Planning and Development and Transportation and Public Works staff have concerns about approving permanent parking reductions to accommodate seasonal patios for businesses that may, in the future, no longer operate a patio.
- In light of major construction pending in downtown Georgetown, it may not be feasible to install permanent patios in the public right-of-way while at the same time accommodating regular road uses.

Staff also explored the option of undertaking a review of the Town's Comprehensive Zoning By-law to incorporate possible standards for patios on a permanent basis. However, doing so would require additional resources, public consultation and any potential new procedures would not be in place in time for the 2022 patio season.

Given the above, it is recommended that Al Fresco in the Hills continue to be offered for temporary patios, both on private property and in public right-of-way, but only for the 2022 season, from May 1, 2022 to October 1, 2022.

For 2022, to continue to operate a temporary patio, a restaurant will need to:

- Submit a written request to operate a temporary patio to the Town, both for previously approved patios and any new patio proposals.
- The Town and applicant will enter into a Cash-in-Lieu (CIL) of Parking Agreement for patios located on private property.
- Applicant will provide proof of \$2 million in liability insurance (where applicable).
- Applicant will agree to install the patio no earlier than May 1, 2022 and remove the temporary patio by no later than October 1, 2022. This will ensure that the temporary permissions are ended at the end of the season and, for patios located in the public right-of-way, that spring and winter operations are not impeded.

- In the event of valid complaints being received by the Town from adjacent uses in terms of site access and/or parking constraints, the applicant may be required to adjust and/or remove the temporary patio. Town staff will monitor and respond to any complaints on a case-by-case basis.

A very limited supply of barriers is available for patios proposed in the public rights-of-way. These barriers will be provided on a first-come, first-served basis. Once the available barriers are exhausted, the intake will close. Alternatively, the applicant may, at their expense, agree to purchase, install, maintain and remove their own barriers – provided that they meet applicable Town standards for road safety.

The 2022 application and approval process will begin on April 1, 2022, and will remain free of charge for public right-of-way patios. A \$1 Cash-in-Lieu of Parking fee will continue to apply via an agreement for patios on private property.

Town staff will continue to streamline the review process for patio applications and assist applicants with their proposal.

To support businesses impacted by COVID-19, the Alcohol and Gaming Commission of Ontario (AGCO) has extended its policy to allow the temporary physical extension of premises (i.e. patios) to January 1, 2023.

3. Outdoor Patios in 2023 and Beyond

3.1 Patios on Private Property

Upon ending the 2022 Al Fresco in the Hills temporary patio program, food and drink establishments on private property will have the opportunity to pursue a permanent patio through existing municipal review processes. Depending on site-specific circumstances and in particular as it relates to patios proposed on private property, this may include Site Plan Approval, Minor Variance and/or applicable permits. Studies in support of an application may also be required, especially related to potential impacts on required on-site parking, site circulation and potential impacts on adjacent uses. Key considerations include:

- Submission of an application to the Alcohol and Gaming Commission of Ontario (AGCO), including paying the applicable fee;
- Recognition that the receipt of AGCO approval does not eliminate the need to submit the necessary application(s), fee(s) and/or studies to the Town;
- Submission of the necessary land-use applications to the Town for review. This may include Minor Variance and Site Plan applications, and supportive studies such as a parking justification report. Standard Town fees would apply;
- Costs associated with purchasing patio supplies such as patio furniture;

Town staff will continue to streamline the review process for patio applications and assist applicants with their proposal.

3.2 Patios on Public Property

The feasibility for patios on public property will be assessed during the 2022 season. Key considerations for continuing with public right-of-way patios through a permanent seasonal (May – October) program include:

- 2022 program uptake and surveyed interest from downtown food and beverage establishments (to be conducted in summer 2022);
- Potential requirement for a by-law and/or policy outlining technical specifications and requirements for patios, including application fees and the submission of supporting documentation such as engineering drawings;
- Funding required to provide additional on-street patio safety barriers;
- Staff resourcing to administer the program (e.g. review of applications); and
- Public consultation, including with the Acton and Georgetown BIAs.

Staff will report back to Council in fall 2022 with recommendations on the public right-of-way patios following the investigation of the above considerations.

Food and beverage establishments wishing to install a permanent patio in 2022, rather than a temporary patio, are encouraged to contact the Town.

Should Council deem it appropriate to implement a permanent outdoor patio program, whether for those on private or public property, beyond the measures and considerations outlined in this report, Town staff recommend submitting the required workplan and associated resources for Budget Committee's consideration as part of the 2023 Budget.

4. Next Steps

Pending Council's approval of this report, the next step will be to further communicate with the food and beverage sector, including past participants in the Al Fresco in the Hills program. This communication will clearly outline the review process for temporary patios for 2022, as well as the requirements for considering establishment of permanent patios beyond 2022. The Economic Support and Recovery Task Force, which includes the Halton Hills Chamber of Commerce and the two Business Improvement Areas (BIAs), will be engaged.

To ensure that applicants are fully aware of the requirements related to installing an outdoor patio, they will be required to enter into an Agreement with the Town.

Town staff will continue to streamline the review process and assist applicants wherever possible.

Staff will also continue to monitor COVID-19's impact on the local business community. As appropriate, minor adjustments may be made to the recommended approach in response to changing conditions. Any material changes would be brought back for Council's consideration.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to foster a prosperous economy, maintain and enhance the economic vitality of the town through the provision of a wide range of opportunities for economic development.

It also recognizes the value to foster a healthy community that provides a clean environment and range of social and economic opportunities to ensure a superior quality of life in our community.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

However, it is recognized that patios, especially concentrated in downtown areas, can contribute to creating a pedestrian-friendly environment which has the potential to reduce vehicle traffic and associated emissions.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

However, the Economic Support and Recovery Task Force was informed of the recommended approach to Al Fresco in the Hills.

INTERNAL CONSULTATION:

Internal consultation was conducted with staff from Economic Development, Clerks, Planning and Development, and Transportation and Public Works.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

If any Budget implications are identified through the implementation process, they will be brought forward for consideration as part of the 2023 Budget process.

Reviewed and approved by,

Damian Szybalski, Director of Economic Development, Innovation & Culture

Chris Mills, Chief Administrative Officer