

Information Report



Service Area	Infrastructure, Development and Enterprise Services
Date	Friday, October 23, 2020
Subject	Temporary Seasonal Patio Program Interim Report

Executive Summary

Purpose of Report

This interim report is provided for information at the request of Council to document the initial informal engagement and feedback received by City staff and provide an overview of formal engagement activities planned for the future Seasonal Patio Program.

Key Findings

Since initiating the Temporary Seasonal Patio Program, the City has received substantial feedback and input from the community through a variety of communication mediums, which have been analyzed and will serve to inform future program changes alongside formal engagement feedback. The feedback received was polarizing and primarily regarding patios on closed streets (Dining District) over the other Temporary Patio Program options. Positive feedback included economic recovery through increased revenues and employment, a pedestrian safe space and improved vibrancy of the downtown. Negative feedback included public health concerns, bias to businesses within the closed area and impacts related to road closures on transit, parking and delivery access.

Financial Implications

There are no financial implications for this report. A full costing summary of the Temporary Seasonal Patio Program will be included in a staff report in March 2021.

Report

Details

To limit the spread of COVID-19, the Province of Ontario declared a state of emergency on March 17, 2020, with successive closures of non-essential workplaces and restrictions on social gatherings. In early June, as part of the Province's [Framework for Reopening Ontario](#), restaurants and bars were permitted to open for outdoor patio service only. The Alcohol and Gaming Commission of Ontario (ACGO) also loosened licensing restrictions to allow more capacity for outdoor patio service. In response, the City quickly developed a Temporary Seasonal Patio Program (TPP) that would allow restaurants and cafes to create

patios on private property and sidewalks. The TPP included guidelines for business owners, and an expedited application approval process.

The original TPP did not allow patios on roadways adjacent to live traffic lanes. At the time, the City did not have the ability to change the patio provisions of its own comprehensive zoning by-law except by passage of a temporary use by-law, a process under the Planning Act which would normally require notices and public meetings, and which would take two to three months to put in place. Council then directed staff to work with the Downtown Guelph Business Association (DGBA) or organized groups of interested restaurant owners, to identify appropriate locations where City streets, or specified parking areas, could be temporarily closed and converted into shared Outdoor Dining Districts.

Staff worked with the DGBA to pilot a temporary road closure on parts of Wyndham and MacDonnell Streets on July 4-5, and officially created Guelph's first Dining District on July 10. In early July, in response to requests from Guelph and other municipalities, a provincial emergency order was passed which streamlined the process for the passage of temporary use by-laws for patios in the 2020 patio season. Guelph passed a temporary use by-law, aligning its zoning bylaw with the AGCO rules, and expanded the TPP to allow patios on to active streets.

The TPP was an immediate response required to support the economic recovery of restaurants and bars due to public health measures as a result of the COVID-19 pandemic. The timeliness of this program's implementation did not provide the opportunity for formal community engagement as would typically have been undertaken to inform program design. As an alternative, evaluation and feedback of the program was gathered in real-time by various communication mediums, with the TPP guidelines being amended throughout the patio season to reduce the regulatory impact on businesses, and respond to safety and accessibility concerns of patrons.

Council also directed staff to create a committee of stakeholders to develop a longer term plan that will inform a report to Council prior to April 2021. The staff report will include formal engagement results, a summary of costs, resourcing impacts of the TPP and recommended program changes for consideration by Council in March, 2021 which will inform a subsequent temporary use bylaw.

Temporary Seasonal Patio Program timeline:

June 8, announcement by the Province that restaurant or bar patios would be permitted to re-open with outdoor patio service only starting **June 11**.

June 11, the TPP application form went live on guelph.ca. Guelph restaurant or bar patios were permitted to immediately set up and operate temporary patios on private property and sidewalks upon the submission of a complete application and adherence to TPP guidelines.

June 17, Council approved the TPP as described and recommended in staff report [2020-74](#). Staff was further directed by Council to offer a pilot program for the opportunity for the DGBA and/or commercial areas that are predominantly restaurants and cafes to create temporary, shared "Outdoor

Dining Districts” on City streets or to use specified parking areas for summer and fall with applications being accepted no later than July 1.

July 1, the Dining District application form went live on guelph.ca.

July 2, Province passed an [emergency order](#) that allowed municipalities to quickly pass temporary bylaws for the creation and extension of patios and allow covered outdoor dining areas.

July 4-5, piloted a road closure on parts of Wyndham and Macdonell Streets.

July 7, the City approved the DGBA’s Dining District application with amended district boundaries and closed parts of Wyndham and Macdonell Streets to traffic from **July 10 until September 7**.

July 15, City Council passed a temporary use bylaw aligning with ACGO guidelines for expanded outdoor patios and suspending certain restrictions to facilitate the TPP.

July 17, Ontario enters Stage 3 of re-opening allowing restaurants and bars to serve patrons indoors.

July 27, TPP guidelines updated to include on-street patio guidelines that would allow for the safe creation of patios in to public parking spaces on active streets.

August 27, DGBA requested to re-open the closed portion of the streets on after September 7 and allow on-street patios with two way traffic, or alternatively extend the street closure until **September 30**.

August 31, staff grant extension of the street closure until **September 21**.

September 21, [Special Council Meeting](#) hears public submissions and staff comments, resulting in Council resolution to extend any and all applicable zoning or bylaws that allow sidewalk or on-street patios and applicable dining districts until **November 30**. [Council also directed staff](#) to create a committee of stakeholders to develop a longer term plan that will inform a report to Council prior to April 2021.

September 24, TPP guidelines are updated to include new program end date and to add additional accessibility requirements.

September 28 - [Bylaw \(2020\) – 20528](#) is approved by Council which updates the temporary use bylaw to provide for an extension to **November 30**.

Temporary Seasonal Patio Program informal public feedback summary

Evaluation and feedback was received through various approaches including email correspondence, social media posts, community petitions, surveys and in-person accounts by DGBA and City staff. For the purposes of this interim report, only email

and social media posts that provided action-oriented feedback were tracked. The tone measures the sentiment of how a person, group or organization, portrayed their feedback. This summary will be added to the formal engagement to be conducted related to the TPP.

Temporary Patios – private property

30 patio applications submitted

Correspondence:

To date, there have been five unique social media posts tracked and no email correspondence related to temporary patios on private property. All social media posts had a negative tone. Concerns included the lack of adherence to public health regulations specifically to social distancing, contact tracing and proper use of personal protective equipment (PPE) such as masks. There was no media coverage specific to temporary patios on private property.

Temporary Patio Program – public sidewalk and on-street (active)

18 patio applications submitted

Correspondence

To date, there has been one email correspondence and five unique social media posts tracked related to temporary patios on sidewalks of active streets. All tracked correspondence had a negative tone. Concerns included the lack of adherence to public health regulations specifically to social distancing, contact tracing and proper use of PPE. The length of time for the creation patios on active streets versus those businesses located on closed streets was also noted as a concern. There was no media coverage specific to temporary patios on sidewalks/active streets.

Temporary Patio Program – public sidewalk and on-street (closed)/Dining District

12 patio applications submitted

Correspondence

To date, there have been 18 emails and 42 unique social media posts tracked related to temporary patios on closed streets/Dining District. Sixty-five (65) percent had a positive tone and 35 per cent had a negative tone. The majority of the positive correspondence tracked was received through social media.

Media

To date, there have been 27 instances of tracked media coverage related to temporary patios on closed streets/Dining District. The overall media tone was neutral with a split in the tone of comments being 57 percent positive and 43 percent negative.

Community petitions

To date, there have been four community petitions that are being included as public feedback. Three petitions were in favour, with a combined total of 2,212 signatures, and one petition was against with 910 signatures.

Themes and topic categorization of feedback

(Correspondence, media, and community petitions)

Positive:

Pedestrian safe spaces

- Bicycle friendly
- Families feel safe to dine out
- Makes Downtown Guelph a people place
- Safe for all age groups

Helpful for businesses

- Helping food businesses recover
- A great opportunity to support local businesses
- Provides options for people to not have to use delivery services
- Keeping people employed
- Positive economic effects
- Increase in foot traffic for surrounding businesses

Vibrancy

- Festival-like vibe
- More vibrant than ever
- "Best thing to happen since COVID hit"
- Great atmosphere
- Downtown is full of life
- Downtown activation

Negative:

Safety concerns

- Social distancing concerns
- Mask compliance concerns
- Overcrowding
- Not enough contact tracing
- Accessibility
- Vandalism due to increased pedestrian traffic

Bias to specific businesses

- Not an inclusive program
- Drop in sales for businesses outside of Dining District
- Proposal to expand to other streets downtown
- Lack of parking available to surrounding business customers

Logistics

- Hours of operation and days of the week
- Negative transit impacts for those with mobility issues
- Inconvenience to delivery vehicles/companies
- Patio vacancies are high on certain days and between certain hours

Surveys

Dining District road closure survey

Conducted through email by the City of Guelph and DGBA July 6-7. The purpose was to gauge business response to the Dining District pilot street closure on July 4-5.

52 downtown businesses participated (19 within the closed streets, 30 outside closed streets)

Feedback received:

Respondents liked:

- Downtown activation
- Safe way to support local business
- Revenue generation
- Getting people working again

Ideas to make it more successful:

- Adjust the boundaries and restrict hours
- Close it for a longer period of time/more frequently
- Include more restaurants
- Greater compliance with public health regulations

Other items:

- Split almost equally in terms of supportive and unsupportive comments
- Ideas of how to comply more with public health

Patron survey

Conducted in person by City of Guelph and DGBA staff September 15-19. The purpose was to gauge the patron experience within the district.

26 patrons participated (25 residents and 1 visitor)

Feedback received:

Patrons rated their overall experience in the Dining District as 4.4 out of 5. All but one patron felt that adequate health and safety measures were practiced.

Positive:

- Great idea/good work
- Extend timelines/make annual

- Extend boundaries to include more businesses
- Felt safe

Negative:

- Disruptive to flow of traffic
- Not adequate sanitization/social distancing
- More public engagement required
- Too cold in September
- Create a smoking area

Financial Implications

The Temporary Patio Program was not initiated with a dedicated budget. Program funding to date has come from various Council-approved departmental operating budgets.

In June, Council directed staff to waive any fee associated with the approval of applications in connection with the City of Guelph's Temporary Seasonal Patio Program including, but not limited to, fees listed in the User Fee By-law (2019) – 20460 as well as costs for the establishment of Outdoor Dining Districts on City streets or City parking lots/spaces for temporary road closure permits and Book 7 traffic management measures.

The current TPP is in place until November 30, the impacts to the budget and staff resourcing will not be fully known until the program ends. A costing summary will be provided as part of the staff report to be received by Council in March 2021.

Consultations

Future engagement, including direction from Council on September 21, 2020 to form a Stakeholder Committee, will focus on recommended program improvements (what worked, what did not), and feedback on options for Council consideration in March, 2021. Identified stakeholders and audiences include:

- Council directed stakeholder committee
- Businesses directly involved
- Employees of businesses directly involved
- Patrons of patio program
- Community at large
- Downtown Guelph Business Association
- Guelph Chamber of Commerce
- Periphery businesses
- Public Health
- City staff
- Other municipalities

The following engagement tactics will be undertaken:

- Online survey
- Virtual key stakeholder interviews
- Council-directed stakeholder group
- Telephone survey
- Municipal best practices research

Strategic Plan Alignment

The TPP aligns with Guelph's strategic plan to help businesses succeed and add value to the community, by building collaborative partnerships with businesses and support a thriving downtown Guelph.

Attachments

None

Departmental Approval

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