

**Subject:** Outdoor Restaurant Patios**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-089; and**

**THAT Council support the temporary waiving of two parking space requirements for restaurants to allow 'pop-up' parking lot patios to be used in parking areas during the pandemic in order to support the local restaurant businesses.**

**Background:**

The COVID-19 pandemic has resulted in significant economic impact on local businesses. Restaurants have been significantly impacted and as of writing this report, they have been allowed to open for take-out business only. Although Niagara is currently restricted from proceeding to Stage 2 of the Provincial Framework for Reopening our Province, it is anticipated that the Province will eventually provide the ability for restaurants to open outdoor patios, with capacity and physical distancing restrictions.

**Analysis:**

Currently the Town does have a Sidewalk Encroachment policy that allows for restaurants to apply to the Town for permission to encroach on the municipal right-of-way i.e. the sidewalk, for outdoor sidewalk patio use subject to meeting the policy requirements related to proof of insurance, provincial licensing requirements, pedestrian accessibility requirements and urban design zoning, sign and building code requirements. Approval of sidewalk patios under the Sidewalk Encroachment policy is managed through the Clerk's Office. In the past, Gelato Village and HillFire SMK & BBQ have received approval for restaurant patio use on the municipal sidewalk. Other restaurants such as Volcano Pizza, Butcher and Banker, Mossimos, The Broken Gavel and Grill on Canboro have outdoor restaurant patios on their property and do not utilize municipal property for their outdoor patio use. It is recognized that outdoor restaurant patios contribute positively to the vitality of downtowns, main streets and public spaces.

The Provincial government has indicated that when restaurants open they will be

subject to specific requirements, such as meeting physical distancing requirements that will reduce their capacity which will impact their financial viability. The Provincial government has also indicated that local governments should consider offering flexibility to restaurants to allow them to operate outdoor patios safely, see attached letter from the Attorney General Office. A number of business associations and chambers of commerce across the Province are also asking for municipal flexibility and permissions for outdoor restaurant patios.

Staff recognize the need to open the economy slowly and safely during the COVID-19 pandemic and at the same time want to support local restaurants in their ability to offer a dining and food experience. Planning staff have had some discussions with local restaurant operators who are looking for opportunities to offer outdoor 'pop-up' patio space in parking areas where a sidewalk patio may not be feasible. In order to do so, in most cases on-site parking requirements would not be met. As a result, staff are recommending that Council pass a motion that allows for the temporary waiving of up to 2 parking spaces during the pandemic so that restaurants can offer patio space as an alternative to 2 on-site parking spaces. It is recognized that 'pop-up' parking lot patios are temporary in nature and will only be allowed during the period of pandemic. Also, it is acknowledged that the 'pop-up' parking lot patios provide some opportunity for restaurants to offer hospitality service and the waiving of the two parking space requirements will support these small businesses during a very difficult economic time.

It is acknowledged that the majority of 'pop-up' parking lot patios would occur on private property and would still be subject to meeting Public Health and Provincial licensing requirements related to food service and serving of alcohol. Should a 'pop-up' parking lot be proposed on municipal property, in addition to meeting Public Health, accessibility, and licensing requirements, the proponent would be required to provide evidence of having the liability and property damage insurance in the amount of \$2,000,000 in place for the patio area and name the Town as an insured entity prior to being allowed to operate the patio on municipal property.

### **Financial Considerations:**

There is no direct financial impact on the Town, however allowing the use of two parking spaces for outdoor restaurant 'pop-up' parking lot patio use does support local restaurant businesses that may wish to offer an outdoor patio experience.

### **Alternatives Reviewed:**

n/a

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Allowing the temporary 'pop-up' parking lot patios supports local businesses and the local economy which contribute to building a strong community, particularly during this difficult time of pandemic.

**Consultation:**

The EOC was consulted.

**Other Pertinent Reports/Attachments:**

June 8, 2020 letter from Attorney General Office

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