



TO:	GENERAL COMMITTEE
SUBJECT:	2023 PATIO PROGRAMMING, OPEN AIR DUNLOP, BUSINESS IN THE PARKS
WARD:	ALL
PREPARED BY AND KEY CONTACT:	S. SCHLICHTER, DIRECTOR ECONOMIC AND CREATIVE DEVELOPMENT, x5036
SUBMITTED BY:	S. SCHLICHTER, DIRECTOR ECONOMIC AND CREATIVE DEVELOPMENT
GENERAL MANAGER APPROVAL:	B. ARANIYASUNDARAN, P.ENG, PMP, GENERAL MANAGER, INFRASTRUCTURE & GROWTH MANAGEMENT
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

Patios Everywhere and Downtown BIA Patio Program

- 1) That all temporary measures instituted for patio programming in support of pandemic response be sunset and all provisions governed in Business Licensing Bylaw 2006-266 as amended apply, including:
 - a) Associated fees under the City of Barrie Fees By-Law,
 - b) The Downtown BIA Patio Program season be defined as April 15th through November 15th in alignment with the City's winter control and spring clean-up maintenance schedules.
- 2) That notwithstanding Business Licensing By-law 2006-266 as amended the extended patio hours remain in effect for the 2023 patio season for patios located on municipal property, as follows:
 - a) The hours that a person can enter or re-enter an outdoor area be extended from:
 - 10:30 p.m. to 11:30 p.m. Monday - Wednesday
 - 10:30 p.m. to 12:45 a.m. Thursday-Saturday and Sundays of long weekends
 - b) The hours that a person be permitted to remain in the outdoor area be extended from:
 - 11:15 p.m. to 12:15 a.m. Monday - Wednesday
 - 11:15 p.m. to 1:30 a.m. Thursday-Saturday and Sundays of long weekends.
 - c) That all other regulations and by-laws, including no amplified sound on the patios after 11:00 p.m. continue to apply with the operation of the patios.
 - d) That non-compliance of municipal regulations and by-laws could result in permits being revoked or further conditions being added to the permits.

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- 3) That pending feedback on impact on the 2023 downtown patio season, applicable by-law amendments be brought forward by Enforcement Services to permanently implement the amended patio hours.

Business in the Parks Program

- 4) That the Business in the Parks Pilot Program be extended until December 31, 2023 for the following parks: Meridian Place, Sunnidale Park and the Kiwanis Pavilion at Southshore with the intent of supporting activations in those spaces.
- 5) That Schedule M of the Fees By-Law 2020-20 be amended to include authorized list of Parks included in the Business in the Parks Pilot Program to which the private function permit fees apply.

Open Air Dunlop

- 6) That the pedestrianization of Dunlop Street be supported in partnership with the Downtown Barrie Business Association (BIA) through the Open-Air Dunlop 2023 program, subject to the approval of all required special event permits, as follows:
- a) Ten (10) Saturdays on Dunlop Street East between Mulcaster Street and Clapperton Street, and along Dunlop Street West from Bayfield Street to Maple Avenue on dates:
- June 10th
June 24th
July 1st
July 15th
August 12th
August 26th
September 9th
September 23rd
October 7th
October 28th

PURPOSE & BACKGROUND

Purpose

- 7) The purpose of this report is to provide General Committee with:
- a) approval requests for returning patio programming to pre-pandemic operating processes and standards;
- b) approval request to extend the Business in the Parks Program; and,
- c) approval request for road closures in support of Open Air Dunlop in 2023 for the BIA.

Background

- 8) Since the onset of the pandemic, several Council Motions have been adopted approving actions and programs in support of economic response and recovery efforts for businesses.

- 9) In 2020, the Patio Programs, Business in the Parks and Open Air Dunlop were all designed to help businesses to continue to operate throughout the pandemic and to recover from economic losses due to capacity and health restrictions associated with the pandemic, and create an environment conducive to members of the public to safely support business activity. These programs continued into 2021 and 2022 as many businesses were still experiencing operating restrictions and recovery initiatives.
- 10) Given that there are no longer operating restrictions in place for businesses related to capacity and health restrictions, it is appropriate, and in alignment with the provinces' practice, to sunset these temporary programs, with some exceptions that provide a broader business and community benefit on an ongoing basis.

Patios Everywhere Program

- 11) The Patios Everywhere Program was implemented by the Development Services Department for all areas outside of the downtown BIA, in support of economic recovery. It was approved by Council motion 20-G-073 on May 31, 2020. It was later extended in 2021 and 2022 via Council approval.
- 12) Existing, legal restaurants were able to offer outdoor dining experiences through the temporary utilization of their parking spaces for a patio. Applicants deviated from the Business Licensing process and instead applied for an exemption from full site plan approval. Patios Everywhere applications and design concepts were reviewed by Development Services to ensure universal accessibility, public safety, including fire and separation from traffic. Fees were waived for this application process.
- 13) The Patios Everywhere Program was a successful initiative and has been declining in participation as pandemic restrictions have been reduced. In 2020, nine (9) new patios were approved under the program. In 2021, a total of nine (9) patios and eight (8) refreshment vehicles were approved. In 2022, three (3) patios were approved under the program and four (4) refreshment vehicles.
- 14) Sunsetting this program will return the approval process to Enforcement Services in alignment with the City of Barrie Business Licensing By-law 2006-266 as amended (license, regulate and govern businesses). Enforcement Services have the established processes to support temporary patio applications and mobile refreshment vehicles on a permanent basis and returns capacity back to Development Services to focus on development application review and approvals.
- 15) Application fees will be applicable as identified within the City of Barrie Fees By-law.

Downtown BIA Patio Program

- 16) The Downtown BIA administers their own patio program and assists downtown businesses with the application process for permits and applies directly through the Right-Of-Way-Activity (ROWA) Branch. The downtown BIA had a total of 25 approved patios in 2022. This number has remained relatively consistent over the past three years.
- 17) While the recommended dates for patio season are between April 15th and November 15th to account for weather conditions, winter control maintenance and spring clean-up activities, the Downtown Patio Program was permitted to temporarily operate between April 1st and November 30th, 2022 as part of Covid-19 recovery efforts, allowing businesses to be able to maximize opportunities to offer outdoor dining experiences, while capacity restrictions remained in place.
- 18) Downtown patio owners were advised that in the event of forecasted winter weather, with snowfall of 5cm + accumulation they would need to remove their patios to allow for winter maintenance within 48 hours notice. Most patios did not open in advance of the April 15th date and no significant snow events occurred in 2021 or 2022.

- 19) In 2020 and 2021, patio fees were waived completely. In 2022 fees were modified such that if the applicants' patio was the identical size, footprint, etc. as the prior year, the fee was waived and ROWA permit issued. Any deviation from a 2021 application or for new patio applications, 50% of fees were charged. In 2021, twenty (20) applicants received the benefit of a waived fee in 2022 and another five (5) remitted the reduced 50% fee.
- 20) The standard patio fee is is \$400 per application + \$0.40 per sq. ft. of City sidewalk leased.

Business in the Parks

- 21) In 2020, through extensive community consultation the idea surfaced to allow for the utilization of public park space to help businesses and the arts and culture sector build capacity in an outdoor setting. The Business in the Parks pilot program was developed to issue interested businesses with a private function permit.
- 22) On August 10th, 2020, Council adopted motion 20-G-121 which implemented the Business in the Parks Program from September 8th, 2020 to October 31st 2020 operating out of Meridian Square and the Kiwanis Pavilion at Southshore Park.
- 23) This program permitted businesses and the arts and culture sector to reserve space outdoors for commercial activity such as private dance classes, art workshops, fitness classes, music classes, and other similar activities.
- 24) All permits for this program were managed through the Private Event permitting process and approved by Economic and Creative Development in consultation with the special events team in the Recreation and Culture Department.
- 25) Schedule M of the Fees By-Law 2020 009 added the private event permit fees of a half day (6 hours) at \$75.00 and a full day (12 hours) at \$100.00. The Business in the Parks pilot program was extended in 2021 and 2022, with 4-6 permits being issued each year for fitness classes, camp programs, and arts and culture events.

Open Air Dunlop

- 26) In June of 2020, the Downtown Barrie Business Association (BIA) surveyed its membership to determine their interest in a pilot project to close Dunlop Street East to vehicle traffic and provide a pedestrian experience. A majority of businesses were in favour of the pilot project.
- 27) On June 29, 2020, Barrie City Council adopted motion 20-G-098 in support of a pilot program including five Open Air Dunlop Saturdays between Mulcaster Street and Clapperton Street with the BIA taking the lead on the project. The motion further supported a fiscal contribution of up to 50% of costs, to a maximum of \$10,000 to support road closure logistics and additional clean-up to be funded from the Reinvestment Reserve for Open Air Dunlop.
- 28) Open Air Dunlop 2020 was considered a success with 80% of businesses seeing an increase in foot traffic in their business and 70% of businesses indicating increased sales.
- 29) In 2021, the BIA expanded the program and hosted Open Air Dunlop for fourteen consecutive Saturdays starting on June 12th until September 11th. In addition, they hosted Open Air Dunlop on three Fridays, four closures on the west end of Dunlop St. and three special event closures including October 9th (Thanksgiving), October 30th (Halloween) and November 20th (Noella Tree Lighting).

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- 30) There were approximately 155,000 people that attended Open Air Dunlop. Survey responses from BIA businesses reported 78% increase in foot traffic and 74% increase in sales.
- 31) In 2021, there were a total of twenty-four (24) road closures and in 2022, a further twenty-two (22) road closures, in which the City of Barrie contributed \$60,000.00 to the costs. This represented approximately 50% of the total road closure costs and were funded from the Reinvestment Reserve.
- 32) Additional support for the Open Air Dunlop Program was provided from the City's Operations Department who provided waste removal, clean up, street sweeping and over road banner installations at Anne St. and Blake St. Further, Access Barrie supported communications for road closure notifications to the public along with the overall promotion of Open Air Dunlop programming. There is no dedicated resourcing identified in the City's approved budget to directly support this program beyond the standard core services delivered by the City.
- 33) For 2023, the BIA has proposed 10 Saturdays. A key success factor to Open Air Dunlop is programming that animates the space, attracting both residents and tourists and extends the stay and spend of attendees. The BIA has indicated that a reduction in the number of Saturday's for Open Air Dunlop is needed to focus their budget and efforts on increased programming and activations of the space during Open Air Dunlop events.
- 34) Council has approved a contribution to the BIA of approximately 50% of the cost of road closures since the inception of the program. The costs of a road closure is approximately \$5500 per closure and is comprised of third party barricade and detour signage installation, and on-site security requirements.
- 35) The BIA has made a similar request for 2023, for a total of \$30,000. There is currently no funding identified within the City's approved budget for this item.

ANALYSIS

- 36) The implementation of these temporary recovery programs over the course of the pandemic demonstrated success in participation. Now that restrictions are no longer in place, the goal for 2023 is to transition to a permanent condition where these programs are either discontinued or transitioned to an operationalized service delivery.

Patios Everywhere Program

- 37) The intent of the Patios Everywhere Program was to be a temporary measure to expedite approvals for restaurants outside of the downtown core. As such, the City's Business Licensing By-law 2006-266 as amended was not enforced during that time and applicants utilized an adapted planning application process.
- 38) This temporary process is not appropriate as a permanent solution as the City has an established By-law and process through Enforcement Services to support annual patio applications and mobile refreshment vehicles on a permanent basis. Further, it returns capacity back to Development Services to focus on development application review and their core services.
- 39) Sunsetting the Patios Everywhere Program is expected to have minimal impact to those seeking an annual, temporary patios, as the application requirements and standards around public safety, fire safety and accessibility are expected to be similar. Given that parking utilization is expected to return to typical traffic levels, a letter from the landlord/property owner will be required in support of the temporary use of parking spaces for patio use.

- 40) Refreshment vehicles were included as part of the Patios Everywhere Program and permitted refreshment vehicles to park on City property. With the sunsetting of the program, refreshment vehicles will no longer be permitted to park on City property and will be required to adhere to the Business Licensing By-law for location and stopping allowances.
- 41) Applications for refreshment vehicles also declined over the course of the Patios Everywhere Program. Complaints were received for vehicles permitted on City property and mostly focused on garbage left in the area and noise when the vehicles were in operation.

Downtown Patio Program

- 42) An April 1st patio start date, and a November 30th end date had been supported as a temporary measure for the 2022 season in support of downtown restaurateurs and COVID recovery. This measure is not supported on an ongoing basis as a result of risks and challenges associated with winter control and spring clean-up activities. Risks include; snowfall, storms, snow accumulation and ensuring accessibility and service level requirements are being met. Winter operations by City staff continue throughout the month of April with winter maintenance contracts in place until April 15th.
- 43) Downtown city street and sidewalk cleaning usually begins once winter maintenance contracts end on April 15th. To properly clean the streets, the temperatures need to be above freezing day and nighttime so that water does not freeze. It is not possible to complete sidewalk cleaning prior to April 15th, and would be impeded by patio installations.
- 44) Staff will work with businesses and the BIA to complete the patio application process in advance of April 15th, 2023. This will allow restaurants to open patios as soon as possible.
- 45) On June 10th, 2021, Council adopted motion 21-A-068 regarding Extension of Patio Hours as follows:
- ‘That notwithstanding Business Licensing By-law 2006-266 as amended, and the Patios Everywhere Program, the hours that a person can enter or re-enter an outdoor area be extended from 10:30 p.m. to 1:45 a.m. Friday and Saturday and the time that a person be permitted to remain in the outdoor area be extended from 12:15 a.m. to 2:30 a.m. Friday and Saturday until indoor dining is permitted under the COVID-19 Reopening Framework and with all other regulations continuing to apply with the operation of the patio.’
- 46) On August 30th, 2021, a further Motion, 21-A-092 was adopted as follows:
- ‘1. That notwithstanding Business Licensing By-law 2006-266 as amended, and the Patios Everywhere Program, the following times be applied until November 30, 2021 for patios located on municipal property:
- a) The hours that a person can enter or re-enter an outdoor area be extended from:
 - 10:30 p.m. to 11:30 p.m. Monday - Wednesday
 - 10:30 p.m. to 1:45 a.m. Thursday-Saturday and Sundays of long weekends
 - b) The hours that a person be permitted to remain in the outdoor area be extended from:
 - 11:15 p.m. to 12:15 a.m. Monday - Wednesday
 - 11:15 p.m. to 2:30 a.m. Thursday-Saturday and Sundays of long weekends.

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2. That all other regulations and by-laws, including no amplified sound on the patios after 11:00 p.m. continue to apply with the operation of the patios.
 3. That non-compliance of municipal regulations and by-laws could result in permits being revoked or further conditions being added to the permits.'
- 47) With the extension of the Patios Everywhere Program into 2022, the extended patio hours continued.
- 48) In sunsetting temporary programs associated with pandemic recovery, patio hours would return to standard identified in the Business Licensing By-law 2006-266 as amended. Given feedback from the BIA, and the need to support opportunities for businesses to drive patronage and spending in the downtown core, staff have recommended extending the provision for extended hours for patios for the 2023 season with the intent of assessing impacts to business and community to support a permanent change in hours.
- 49) Staff have consulted with the BIA on this item, and members have indicated an interest in retaining the extended hours. Specifically, they have indicated that the extended hours have been working well for the past two seasons and has supported increased patronage downtown. The closing process for patios does take more than 1/2 hour to clear the patio completely and to return to a pre-midnight closure will have negative impact on the visitor and customer experience. The BIA has requested that patios be permitted to remain open until 1:30 a.m. Staff have also consulted with Enforcement Services, who have not received any complaints.

Business in the Parks

- 50) Business in the Parks provides an outdoor space option that businesses can utilize to increase their capacity and support clients feeling safe to return to activity and provides businesses the ability to reserve space for a set time in designated public parks.
- 51) Currently the Parks Use By-Law (section 2.1.0.0.0) mandates that every person carrying on, conducting, operating, maintaining, keeping or engaging in any business, event or activity within a park, where a permit or authorization is required by way of a by-law, Special Event Policy or other City Policy, as amended from time to time, shall be required to obtain a permit or authorization prior to the commencement of any such activity.
- 52) The Private Function permit was expanded to accommodate the Business in the Parks Program so that business activity is permitted under the existing By-Law. The Business in the Parks Fees have been set at an economical rate of \$75.00 for half day/6 hour bookings and \$100.00 for full day/12 hour bookings. During the 2021 Business in the Parks Pilot Program, there were 6 business permits issued, and 4 in 2022.
- 53) While take-up has not been significant, staff are recommending continuing the program into 2023, to continue to support and champion activations in Meridian Place, Sunnidale Park and the Kiwanis Pavilion at Southshore Park.
- 54) The program has value potential for activities that may not fall within the Special Event Permit. For example, groups that wants to hold weekly dance classes/gatherings in Meridian Place. There is currently no process to support these types of activities other than through Business in the Parks program.

Open Air Dunlop

- 55) Street pedestrianization has been adopted as a best practice among numerous cities trying to attract people to an area. Open Air Dunlop 2020, 2021 and 2022 were very successful in generating foot and bicycle traffic to local shop owners.
- 56) The Downtown BIA is proposing to run Open-Air Dunlop again in 2023 and would be the project lead and be responsible for managing the execution of the program, including responsibility for executing the road closures.
- 57) The Downtown BIA is proposing to organize Open-Air Dunlop for 10 Saturdays in 2022. All street closures will be consistent along the East and West side of Dunlop St. Every planned Open-Air Saturday, the street will be closed along Dunlop Street East, from Mulcaster St. to Five Points (intersection with Clapperton Street) and along Dunlop Street West from Five Points (Intersection with Bayfield Street) to Maple Avenue.
- 58) The BIA has asked the City of Barrie for \$30,000.00 in financial support for 2023 in support of offsetting road closure costs. The cost for each road closure is approximately \$5,500 and includes the installation of barricades and on-site security. As there is no current budget to support this request, staff have included an alternative for Council to consider this request.
- 59) Open-Air Dunlop has been a well-received program by Downtown businesses and the community, increasing traffic, consumer spending and visitor experience. Continuing to support the program is an impactful tool in championing ongoing economic impact in the tourism and hospitality sectors and downtown activations.

ENVIRONMENTAL AND CLIMATE CHANGE MATTERS

- 60) There are no environmental and climate change matters related to the recommendation.

ALTERNATIVES

- 61) The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could choose not to extend patio hours.

This alternative is not recommended for the 2023 patio season. The recommendation is being brought forward based on feedback from the BIA on patio hours and impact of the extended hours over the past two patio seasons.

The Motion provides for the extension to assess impacts over the course of the 2023 season and for formal amendments to the By-law be brought forward by Enforcement Services.

Alternative #2

That the City of Barrie contribute \$30,000 to support the 10 road closures over the duration of the program, to be funded from the Municipal Accommodation Tax (MAT), in support of driving tourist activity to the downtown.

The alternative provides an option to General Committee to support the road closure costs in partnership with the BIA. Previously, the Reinvestment Reserve was the funding tool utilized to support this initiative. Given that the contribution to road closure costs will support the BIA in investing in additional activations of the Downtown core to animate the space and increase the draw of attendees and tourists, the Municipal Accommodation Tax would be an appropriate funding source.

FINANCIAL

- 62) There are generally no costs associated with recommendations beyond staff time. Given that the programs are returning to pre-pandemic formats, and to the Departments in which the domain expertise remains, operational efficiencies will be achieved.
- 63) Further, revenues will also return to Departments to offset operational costing as defined through City's Fees By-Law.

LINKAGE TO 2022-2026 COUNCIL STRATEGIC PLAN

- 64) The recommendation(s) included in this staff report support the following goals identified in the 2018-2022 Strategic Plan:

Thriving Community

Responsible Governance

- 65) The Economic Recovery Action Plan was a community effort to provide a set of meaningful recommendations that the City could practically implement to support the recovery of the economy from the impacts of the COVID-19 pandemic.
- 66) Given that there are no longer operating restrictions in place for businesses related to capacity and health restrictions, sunseting programs like Patios Everywhere achieves Council's strategic objective of Responsible Governance by maintaining focus on core city services.
- 67) Continuing with programs like Business in the Parks and Open Air Dunlop achieve Council's strategic objective related to Thriving Community by expanding access to parks and supporting a vibrant downtown.