

**Date:** 2024-01-16

**Subject:** Establishing the Seasonal Patio Program – Temporary Patio Extensions to Outdoor Spaces

**Contact:** Laurie Robinson, Supervisor, Business Operations & Vital Statistics, City Clerk's Office

**Report Number:** Legislative Services-2024-071

**Recommendations:**

1. That the report from Laurie Robinson, Supervisor, Business Operations & Vital Statistics, City Clerk's Office, to the City Council Meeting of February 7, 2024, re: **Establishing the Seasonal Patio Program – Temporary Patio Extensions to Outdoor Spaces** be received;
2. That the establishment of a Seasonal Patio Program be endorsed; and
3. That a by-law be passed, as generally set out in Attachment 1 to this report, to amend Temporary Outdoor Patio Expansions By-law 103-2020, to serve as a stand-alone by-law to facilitate temporary extensions to outdoor spaces/patios with or without alcohol service.

**Overview:**

- In June 2020, City Council established the Patio Brampton Program as a temporary patio extension program to make it easier for Brampton bars and restaurants to expand their patios and allow for physical distancing to contain the spread of COVID-19. This program ended January 1, 2023.
- As of January 1, 2023, the Government of Ontario permanently provided municipalities the ability to approve temporary outdoor extensions of liquor licensed premises for a period of up to 8 months in a calendar year, in accordance with the *Liquor Licence and Control Act, 2019*.
- During 2023, staff facilitated outdoor patio extension requests to inform development of an effective and efficient patio program for businesses. Staff have developed a new program to accommodate requests for

**applications for an outdoor temporary extension of an existing liquor licensed area or non-licensed area in a permanent establishment.**

- **This report recommends an amendment to the Temporary Outdoor Patio Expansions By-law 103-2020 to facilitate temporary extensions to outdoor spaces with or without a liquor licence.**
- **Revenues generated from this Program will be deposited into the City Clerk Division's Operating Cost Centre.**

### **Background:**

In June 2020, City Council established the Patio Brampton Program as a temporary patio extension program to make it easier for Brampton bars and restaurants to expand their patios (whether licensed or not) and allow for physical distancing to contain the spread of COVID-19. An online application process was developed for this program, allowing business owners to provide the necessary documentation to obtain a patio permit from the safety of their home. Approximately 78 permits were issued for patios as part of this program in 2020 and 2021.

As of January 1, 2023, the Government of Ontario permanently provided municipalities the ability to approve temporary outdoor extensions of liquor licensed premises, in accordance with Section 153.1 of *Ontario Regulation 746/21* under the *Liquor Licence and Control Act, 2019*. Previously, approval of all temporary outdoor extensions of liquor licenses was under the authority of the Alcohol and Gaming Commission of Ontario (AGCO) and the applicant was required to provide a letter of non-objection from the municipality. The municipality's authority applies only to outdoor extensions of licensed areas for establishments with a valid liquor licence. An extension of time to serve and consume alcohol for an already-licensed establishment remains with the AGCO for approval.

In response to the end of the pandemic and the need for physical distancing, and with the municipality's new authority to approve temporary outdoor extensions of licensed premises, Council approved an amendment to the Administrative Authority By-law 216-2017 in April 2023 to authorize the Clerk to make such administrative decisions, and to establish a process for considering requests for temporary extensions to outdoor spaces, with or without alcohol for 2023, with a plan to continue to develop a fulsome program to include:

- a. Online application tool with automated workflow for comment;
- b. Criteria and conditions for approving requests;
- c. Possible fees, i.e., inspections, compliance, occupancy of parking spaces, lane closure, site-plan review; and
- d. A stand-alone by-law to facilitate temporary liquor licence extensions to outdoor spaces.

In 2023, seven (7) patio permits were issued, three (3) were not approved and several applicants started but did not complete the application process.

### **Current Situation:**

#### Process to Review Applications

Over the course of 2023 and early 2024, internal and external staff met to discuss, develop and implement a more robust approval process, with the following divisions and sectors participating:

- Enforcement & By-law Services
- Building/Zoning
- Fire & Emergency Services – Fire Prevention
- Accessibility Services
- Business Licensing
- Traffic Services
- Planning/Development Services
- Real Estate
- Economic Development
- Tourism
- Events
- Peel Regional Police
- Region of Peel – Public Health

Criteria and conditions for approving requests have been established in accordance with and consideration of but not limited to:

- The Ontario Building Code and the City's Building By-law 387-2006
- The City's Business Licensing By-law 184-2023
- The City's Zoning By-law 270-2004
- The Ontario Fire Code
- *Accessibility for Ontarians with Disabilities Act* (AODA)
- *Smoke-Free Ontario Act, 2017* (SFOA)
- *Liquor Licence and Control Act, 2019* (LLCA)

#### An Updated Online Application Process

The existing online application form has been updated with enhanced features for the 2024 season. The new online application form includes an automated workflow for internal and external stakeholders to submit, review, comment, approve, deny or request more information from an applicant. The form has also been updated to request additional contact information (a secondary contact should the primary contact be

unavailable, and landlord contact information) from applicants, along with the ability to upload and attach supplementary documents to the application.

The applicant must provide the following information for consideration of a patio extension:

- Applicant name and title (if applicable)
- Contact information including telephone number and email address
- Name of the business and City Business Licence Number
- AGCO Liquor Licence Number (if applicable)
- Secondary contact information
- Site information, including street address
- Property owner information
- Business owner name
- Detailed sketch or plan showing the proposed dimensions of the patio, entrances and exits, accessible parking spaces, sidewalks/pedestrian areas, fire routes and drive aisles
- Plan submission indicating the proposed number and type of seating, fencing materials and height, number of parking spaces being used
- Proof of commercial general liability insurance coverage
- Written approval of landlord/property owner or property manager (if applicable)

#### Approving or Denying an Application

Once staff has reviewed and approved the application, the City Clerk's Office will provide a Patio Permit, subject to various conditions, including but not limited to:

- a. applicant notification of local residents/businesses of the temporary patio with a contact name/number for complaints
- b. provision of an appropriate level of security as may be required by the Peel Regional Police
- c. any other permits, inspections, conditions and/or approvals deemed necessary by the City, **or**

The City Clerk's Office will notify the applicant that the application has been denied, based on reasons, including but not limited to:

- a. zoning (i.e. use not permitted)
- b. removal of accessible parking spaces
- c. fire safety non-compliance
- d. past behaviour (neighbour complaints, by-law infractions)
- e. a risk to community safety as deemed by Peel Regional Police

#### Application Fees

The City Clerk's Office will collect the current and approved fee of \$100.00 payable to the City; other Council approved fees may be applicable and payable to the respective

division for additional permits and/or inspections, for example, building permit(s), Fire inspection.

### Timelines

Starting in 2024, the following timelines are proposed for the program:

- March 1 – applications may be submitted from restaurants, bars and cafes to establish temporary seasonal patios and seating areas on municipal or private property
- First Saturday in April – the first day a temporary seasonal patio may be open and operational
- Last Saturday in October – the last day a temporary seasonal patio may be open and operational (until 11:59 pm)

All temporary structures established for the patio must be removed within one week following the last Saturday in October.

Any requests for a permanent outdoor patio area or structure will continue to require appropriate review through the City's Building Division and Development Services Division for possible building permits and/or site plan approval.

### **Corporate Implications:**

#### Financial Implications:

Maximum revenues generated from this Program are estimated at \$3,000 and will be deposited into the City Clerk Division's Operating Cost Centre.

#### Other Implications:

Communications Implications – The public and business community will be informed about the program improvements and timelines through various communications tactics, such as web content, digital and social media, media material and key messages.

### **Strategic Focus Area:**

This report aligns with the strategic direction that Brampton strives to promote innovation, efficiency and effectiveness by supporting and promoting the growth of its' local businesses in urban centres and neighbourhoods.

### **Conclusion:**

This report recommends the establishment of a Seasonal Patio Program to support its' local businesses and an amendment to the Temporary Outdoor Patio Expansions By-

law 103-2020 to facilitate temporary extensions to outdoor spaces with or without a liquor licence.

Authored by:

Reviewed by:

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**Attachments:**

- Attachment 1 – Draft By-law to Amend the Temporary Outdoor Patio Expansions By-law 103-2020