

Date: 2021-03-19

Subject: **Brampton Patio Program – ALL WARDS**

Contact: Janice Adshead, Deputy Clerk, Records & Information

Report Number: Legislative Services-2021-394

Recommendations:

1. **THAT** the report titled: **Brampton Patio Program – ALL WARDS**, dated March 5, 2021, to the Committee of Council meeting of March 31, 2021, be received; and
2. **THAT By-law 103-2020 be further amended to permit** the temporary extension of outdoor patios on public and within private property for a period of time not exceeding 3:00 a.m. on January 1, 2022 in order to assist local businesses in mitigating the impacts of COVID-19.

Overview:

- **The presentations from Equifax and the Brampton Economic Development Division to Committee of Council on March 10, 2021, demonstrates that the food service industry continues to be one of the most adversely impacted sectors as a result of the COVID-19 pandemic.**
- **This purpose of this report is to provide an informational update on the Government of Ontario’s COVID-19 response framework: keeping Ontario safe and open, and the impacts of the framework on bars and restaurants.**
- **This report provides an overview of program improvements designed to fast-track the temporary patio approval process, which includes surveying 2020 applicants to understand what process improvements are required.**
- **The Alcohol and Gaming Commission of Ontario (AGCO) has extended the validity period of existing liquor licenses a total of 15 months after the license expiration date.**

- **This report is consistent with the City's Economic Recovery Strategy which aims to bring resilience and competitive advantage to the Brampton economy, by working with the food industry and giving them the best chance of survival.**

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 and allow for physical distancing to contain the spread of COVID-19. The Program provides the City of Brampton with more outdoor dining areas and allows restaurants and bars to create spaces which allow for physical distancing for customers. Patio Brampton ensures quicker processing of applications and permits and allows for waiving of fees for sidewalk, parking lot and curb lane patios.

In 2020, the Program received 66 applications, of which 49 permits were issued. 17 applicants did not receive permits due to non-compliance, and 11 applicants revised and re-submitted their applications for processing. On October 28, 2020, Brampton Council passed [Resolution C399-2020](#) and By-law 218-2020 to extend the effective date for the Patio Brampton Program from January 1, 2020 to September 7, 2021, allowing for the use of patios through the winter and until after Labour Day of 2021. Permits were automatically extended to September 7, 2021.

A recent 10-week lockdown, which came into effect on December 26, 2020 mandated that bars and restaurants cease serving food and beverages in person, and limit service to take-out, drive through or delivery. As a result of these impacts, the City is looking to assist restaurant owners to re-open quickly and efficiently.

Current Situation:

The following sections provide more detail on the status and requirements for patios participating in the Brampton Patio program:

1. Province's Phased Re-Opening of Business

Under the Government of Ontario's COVID-19 response framework: keeping Ontario safe and open, a colour-coded response framework has been established, which identifies various health and safety measures to be implemented which will keep businesses operational, while keeping the risk of transmission low. The movement between colours is fluid, and can change with little notice. This framework can be found at the following link:

<https://www.ontario.ca/page/covid-19-response-framework-keeping-ontario-safe-and-open>

At high level, the framework provides as follows with respect to the re-opening of restaurants and bars:

Note: Premier Ford announced modifications to the lockdown rules as identified below on March 19, 2021, which allows outdoor dining to resume on Saturday, March 20 in Peel Region, provided only people from the same household can be seated together, and the restaurant is responsible for maintaining proper distancing and other safety measures.

Restaurants & Bars

Grey – Lockdown:

Indoor and outdoor dining is prohibited, takeout and delivery services can continue.

For additional information, see [O. Reg. 82/20](#): Grey-Lockdown – *current March 5, 2021 – (e-Laws currency date)*

Update: Premier Ford announced modifications to the lockdown rules as identified above on March 19, 2021, which allows outdoor dining to resume on Saturday, March 20 in Peel Region, provided only people from the same household can be seated together, and the restaurant is responsible for maintaining proper distancing and other safety measures. Indoor dining remains prohibited.

Red – Control:

Restaurants, bars and other food and drink establishments can operate with 10 patrons seated indoors, where physical distancing can be maintained, and a maximum of four patrons per table, buffet style service is prohibited, establishments must be closed from 10:00 p.m. to 5:00 a.m., liquor sales are restricted between 9:00 a.m. to 9:00 p.m., and night clubs can only operate as restaurant or bar.

If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

If an outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

For additional information, see [O. Reg. 263/20](#): Red-Control – current March 5, 2021 – (e-Laws currency date)

Update: Premier Ford announced modifications to the Red – Control zone rules as identified above on March 19, 2021, which allow dining inside of restaurants at up to 50 per cent capacity, to a maximum of 50 people, effective Saturday, March 20 in Peel Region.

Orange – Restrict:

Restaurants, bars and other food and drink establishments can operate with 50 patrons seated indoors, where physical distancing can be maintained, and a maximum of four patrons per table, buffet style service is prohibited, establishments must be closed from 10:00 p.m. to 5:00 a.m., liquor sales are restricted between 9:00 a.m. to 9:00 p.m., and night clubs can only operate as restaurant or bar.

Additional measures include:

- The establishment must be configured so that patrons seated at different tables are separated by,
 - a distance of at least two metres, or
 - plexiglass or some other impermeable barrier
- If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- If the outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

For additional information, see [O. Reg. 364/20](#): Green-Prevent, Yellow-Protect, and Orange-Restrict – *current March 5, 2021 – (e-Laws currency date)*

Update: Premier Ford announced modifications to the Orange - Restrict zone rules as identified above on March 19, 2021, which allow dining inside of restaurants at up to 50 per cent capacity, to a maximum of 100 people, effective Saturday, March 20 in Peel Region.

Yellow – Protect:

Restaurants, bars and other food and drink establishments can operate with a two-metre distance between tables and a maximum of six patrons per table, buffet style service is prohibited, establishments must be closed from 12:00 a.m. to 5:00 a.m., liquor sales are restricted between 9:00 a.m. to 11:00 p.m., and night clubs can only operate as restaurant or bar.

Additional measures identified in Orange – Restrict, apply in Yellow – Protect.

Green – Prevent:

Restaurants, bars and other food and drink establishments can operate with a two-metre distance between tables, but buffet style service is prohibited, and night clubs can only operate as restaurant or bar.

Additional measures identified in Orange – Restrict, apply in Green – Prevent.

2. Survey of 2020 Applicants to the Brampton Patio Program

A short [survey](#) has recently been distributed to all 2020 Brampton Patio Applicants to identify what went well with the permit application process in 2020, and see if there are any suggestions for improvements for the process going forward. The survey consists of 7 questions, which are geared at understanding satisfaction rates with the process, the documentation required, the customer service provided and overall response times. As of the writing of this report, 10 responses have been received. Please see Appendix 1 for a summary of survey responses.

3. Fast-tracked Permit Approval Process

The Brampton Patio program implemented in 2020 will be offered in an enhanced manner to provide options for local restaurants and bars to expand their outdoor patios on private and public property to ensure that businesses can continue to operate safely while respecting physical distancing between their customers and employees.

Staff have streamlined the 2020 application process to include:

- A pre-consultation process, whereby the applicant can provide a concept plan for the patio to review prior to applying to ensure that the patio can be supported and allow for staff to recommend changes, if requested; and
- A fast-track approval and permit issuance process for all applicants who self-identify as having met all requirements as identified on the online application form checklist. Where one or more checklist requirements have not been met, the 2020 review and approval process will be followed.

4. AGCO Liquor Licence

The Alcohol and Gaming Commission of Ontario (AGCO) which administers the *Liquor Licence Act* issued an [AGCO Blog](#) on January 14, 2021. The AGCO has again extended the term of active liquor licence, authorizations and registrations by an additional three (3) months in order to continue providing support to the people and businesses regulated by the AGCO affected by the COVID-19 pandemic.

On [March 18, 2020](#), the AGCO first announced it would extend by three months the term of such licences, authorizations and registrations it had issued. On [April 14, 2020](#), [July 17, 2020](#), [October 14, 2020](#), and again on [January 14, 2021](#) the AGCO further extended this measure by an additional three months each time. The latest announcement provides a total extension of 15 months after the license expiration date. For example, a restaurant that was approved for a patio and selling liquor originally had a licence expiry date of March 2020, barring further extensions, they would now need to apply for a renewal prior to June 2021.

5. Road/Lane Closures in the Downtown

The Region of Peel is currently considering a delay to the start of construction along Queen Street and Main Street that was previously scheduled to begin around July 1, 2021. In this regard, the Region is preparing a construction phasing map for discussion with City and Regional staff in the next few weeks. If the schedule cannot be modified to accommodate a later start time, there may be a delay to opening of patios or they may have to be temporarily removed during the construction if the patios are located within the construction zone.

6. Canada Healthy Communities Initiative (ICHCI)

The Canada Healthy Communities Initiative aims to fund small-scale infrastructure projects to assist communities adapt to the challenges presented by COVID-19. The initiative will fund eligible projects that fall under 3 main themes, specifically:

- Creating safe and vibrant public spaces
- Improve mobility options
- Provide innovative digital solutions to connect people and improve health

The CAO's Office and the Government Relations team is supporting the Downtown Brampton Business Improvement Association (BIA) with their application for this grant. The BIA's application identified a number of potential activations for the downtown, which include using the grant towards adding more patios & parkettes to the street where possible. Amongst other factors, the ability for the BIA to add patios will be contingent upon receiving the grant, the timing of the infrastructure upgrades and any locational conflicts (i.e. loading zones).

The Clerk's Office will work with Strategic Communications and Economic Development to promote and communicate the Brampton Patio Program across the City so that interested businesses can take part and residents can enjoy e

Corporate Implications:

Financial Implications:

Pursuant to Council direction given on June 10, 2020 staff have not proposed any fees associated with an application for or the issuance of a Temporary Outdoor Patio Extension Permit. Any nominal consideration collected pursuant to an agreement under 40 of the *Planning Act*, 1990, c. P. 24 will be paid to the City's Cash-in-Lieu of Parking Reserve Account #26.

By-law 103-2020 includes a waiver of any fees under the User Fee By-law 380-2003, as amended, that may be applicable to an application for a Temporary Outdoor Patio Expansion.

Legal Implications:

Legal Services will review and approve as to form all agreements required to implement the Temporary Outdoor Patio Extension program.

Economic Development Implications:

The COVID-19 pandemic has adversely affected the food-service industry as demonstrated to Committee of Council on March 10, by separate presentations from Equifax and the Economic Development Division. According to Equifax over 800,000 jobs have been lost nationwide in the food service industry. In the Region of Peel the Food and Accommodation sector subtracted over 20,000 jobs during the first half of 2020. The City's Economic Recovery Strategy aims to bring resilience and competitive advantage to the Brampton economy, by working directly with restaurants and bars to give them the best chance of survival and recovery.

The ability for bars and restaurants to expand or add temporary patio space will provide much needed business opportunities, while maintaining appropriate social distancing. The warmer weather will bring renewed hope for bars and restaurants. As it attempts to

recover from the pandemic, the food service industry will appreciate an even more efficient and less bureaucratic way to processing patios expansion applications, as recommended in this report. Feedback to Economic Development has been very positive on the program and we anticipate more interest in 2021. The Brampton Board of Trade and the BIA have been working closely with Economic Development staff in identifying the needs of the food service industry and helping them directly with navigating the Brampton Patio Program.

Term of Council Priorities:
Living the Mosaic – 2040 Vision

This report has been prepared with consideration of the overall vision of the 2040 Vision and aligns with the vision that Brampton.

Conclusion:

In recognition of the Province's framework, which aims to limit the transmission of COVID-19, the City of Brampton will continue to offer the Brampton Patio program in 2021. The City is enabling restaurants and bars to increase patron capacity using outdoor dining spaces. Staff have identified a means of streamlining the patio permit approval process, and are looking to further enhance the process using applicant feedback. The AGCO is further assisting businesses by extending existing licenses. Additionally, the City will work with the Region of Peel to identify a construction schedule that will be least impactful on downtown Brampton businesses.

These solutions are intended to provide local businesses with an opportunity to safely expand their outdoor service area while operating safely and maintaining physical distancing between customers and employees. Should the Province decide to move the Region of Peel up or down the spectrum of colours, these options will certainly provide local businesses with the opportunity to quickly navigate a municipal review process to temporarily expand their outdoor patio space for the remainder of the year.

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Attachments:

Appendix 1 - City of Brampton's Temporary Patio Permit 2020 Applicant Questionnaire
– Survey Responses