

## CITY OF ORILLIA

**TO:** Special Council Meeting – June 18, 2020  
**FROM:** Economic Recovery Task Force  
**DATE:** June 17, 2020  
**REPORT NO:** ERTF-20-02  
**SUBJECT:** **Patio and Public Realm Project – Phase 1**

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### **Recommended Motion**

THAT in order to assist local retail/restaurant operations to expand their footprint while balancing the use of the public realm with maintaining space for physical separation during Stage 2 of the Provincial removal of COVID-19 restrictions, the Economic Recovery Task Force presents the following recommendations as part of the first phase of the patio and public realm initiative:

### **Marketing and Promotion:**

1. **THAT \$7,000 be authorized and appropriated from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve for the signage and marketing components identified in this report.**

### **Patio Approvals – Streamlined Process:**

1. **THAT staff be authorized to implement a Patio Acknowledgement and Undertaking Form, a draft of which is set out in Schedule “D” of this report;**  
**AND THAT the proposed amendments to the City’s Emergency Measures By-law be approved as set out in Schedule “E” of this report.**
2. **THAT Council support the establishment of a Patio Task Force to review and facilitate patio approval requests.**
3. **THAT Chapter 675 of the City of Orillia Municipal Code - Use of Sidewalks - Business Improvement Area, be temporarily amended to remove the authority of the DOMB to approve “tables” and “chairs” on municipal sidewalks in the Business Improvement Area until November 15, 2020.**

### **Offsetting the Costs of Patios in the Public Realm:**

1. **THAT \$30,000 be allocated to the 2020 DTCIP Building Improvement Grant Program for patios, with funding appropriated from the Downtown Tomorrow Community Improvement Plan (DTCIP) Reserve.**

2. **THAT \$20,000 be allocated to the 2020 DTCIP Fees Grant Program for patios, with funding appropriated from the City's Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve.**
3. **THAT applicable clauses within Policy 4.2.1.3 - Guidelines - Downtown Tomorrow Community Improvement Plan Review Panel be waived to enable staff to approve patio specific applications to the DTCIP Building Improvement Grant Program and to waive the intake deadline for applications related to patios for the 2020 patio season;**
4. **THAT Chapter 251 of the City of Orillia Municipal Code - Delegated Authority be amended to provide the Director of Business Development and Communications the authority to approve Building Improvement Grants for patios for the 2020 season.**

**THAT this resolution, in conjunction with the Confirmation By-law, serves as the requirement to amend the required by-laws.**

### **Purpose**

The purpose of this report is to seek Council's direction to support local businesses in operating within the restrictions imposed by the Province during the Stage 2 lifting of COVID-19 restrictions.

This broader initiative is seeking to achieve the following four objectives:

1. Facilitate and expedite the expansion of retail/restaurant capacities through the use of patio and use of the public realm across the City; and
2. Reduce and/or offset the financial costs of expanding private operations into the public realm for the 2020 season; and
3. Support Orillia businesses by promoting local retail and dining establishments as a safe place to shop and dine; and
4. Enable downtown retail/restaurant operators to expand their operations into the public realm while protecting space required to maintain the physical separation and safety of pedestrians.

Due to the complexity of this matter, this initiative will proceed in two phases, the first phase will seek to address patio approvals and promotion of local shopping and dining, and the second phase will explore a potential road closure.

### **Background & Key Facts**

- The ERTF's mandate is to "support the Orillia and Area COVID-19 economic recession by increasing business and non-profit organizations' capacity to survive the short-term economic impact, recover as restrictions are phased out and return to prosperity".

- The ERTF also prioritized taking actions to build public confidence to communicate that it is safe to return to consumer behavior at local businesses.
- As the Province introduced phases for lifting COVID-19 restrictions, the ERTF shifted focus to assist these organizations return to operation while adhering to the Provincial guidelines for safe operation.
- On June 8, 2020, the Premier announced that the Stage 2 reopening of Ontario's economy would begin on Friday, June 12, 2020, in areas, which include, but are not limited to, the Orillia area.
- As of June 12, 2020, most retail businesses, including restaurant and bar patios were allowed to begin operations in a modified manner. Indoor dining at restaurants remains prohibited at this time.
- Although most retail businesses could open, with restrictions on physical distancing, hygiene and wearing of masks and shields, restaurants are limited to patios only, with restrictions on patio capacity and table placement.
- Many restaurants, especially in the downtown core, do not have existing patios.
- During the week of May 25, 2020, the ERTF launched two initiatives in preparation for the Provincial Stage 2 lifting of restrictions announcement:
  - The first initiative is to meet with groups of retailers by sector to explore the implications of the Provincial guidelines on their operations.
  - The second initiative is focused on the restaurant and bar operators to not only assist them translate the Provincial guidelines, but to also consider how to expand their physical footprint to increase the number of patrons. Two focus groups were held with these operators to obtain their views and preferences moving forward. The results of these consultations are captured in Schedule "A" and Schedule "B" of this report.
- The Downtown Orillia Management Board (DOMB) has undertaken a further survey of DOMB members. A summary of these survey results is captured in Schedule "C" of this report.

## **Options & Analysis**

The ERTF presents the following options for consideration:

### **Option 1 – Recommended**

THAT in order to assist local retail/restaurant operations to expand their footprint while balancing the use of the public realm with maintaining space for physical separation during Stage 2 of the Provincial removal of COVID-19 restrictions, the Economic Recovery Task Force presents the following recommendations as part of the first phase of the patio and public realm initiative:

**Marketing and Promotion:**

1. THAT \$7,000 be authorized and appropriated from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve for the signage and marketing components identified in this report.

**Patio Approvals – Streamlined Process:**

1. THAT staff be authorized to implement a Patio Acknowledgement and Undertaking Form, a draft of which is set out in Schedule “D” of this report;  
  
AND THAT the proposed amendments to the City’s Emergency Measures By-law be approved as set out in Schedule “E” of this report.
2. THAT Council support the establishment of a Patio Task Force to review and facilitate patio approval requests.
3. THAT Chapter 675 of the City of Orillia Municipal Code - Use of Sidewalks - Business Improvement Area, be temporarily amended to remove the authority of the DOMB to approve “tables” and “chairs” on municipal sidewalks in the Business Improvement Area until November 15, 2020.

**Offsetting the Costs of Patios in the Public Realm:**

1. THAT \$30,000 be allocated to the 2020 DTCIP Building Improvement Grant Program for patios, with funding appropriated from the Downtown Tomorrow Community Improvement Plan (DTCIP) Reserve.
2. THAT \$20,000 be allocated to the 2020 DTCIP Fees Grant Program for patios, with funding appropriated from the City’s Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve.
3. THAT applicable clauses within Policy 4.2.1.3 - Guidelines - Downtown Tomorrow Community Improvement Plan Review Panel be waived to enable staff to approve patio specific applications to the DTCIP Building Improvement Grant Program and to waive the intake deadline for applications related to patios for the 2020 patio season;
4. THAT Chapter 251 of the City of Orillia Municipal Code - Delegated Authority be amended to provide the Director of Business Development and Communications the authority to approve Building Improvement Grants for patios for the 2020 season.

**THAT this resolution, in conjunction with the Confirmation By-law, serves as the requirement to amend the required by-laws.**

The Provincial announcement on June 9, 2020, allowing restaurants and bars to only open patios caught many municipalities and business owners off-guard.

Prior to the Province's announcement regarding the Stage 2 reopening, the ERTF had been preparing an initiative to help restaurants open for indoor dining. On June 8, the ERTF quickly shifted gears to focus on how best to assist restaurants open patios. This was quickly separated into two individual, but related initiatives, as the restaurants which abut municipally owned public realm lands face different challenges from restaurants located on private lands.

All patios, regardless of where they are located, must adhere to existing legislation and guidelines, including Provincial, Alcohol and Gaming Commission of Ontario (AGCO), Simcoe Muskoka District Health Unit (SMDHU), Fire Code, Ontario Building Code and City of Orillia legislation and regulations.

In the downtown core, a lease application is required to encroach (place a patio) on a municipal sidewalk, street, or parking space. Historically, few establishments (approximately four per year) have applied to the City for and received permission to occupy sidewalk and street parking spaces adjacent to their operations for patios. At this time, only one business has executed a lease agreement in the downtown core for the 2020 season.

After the Premier's announcement last week, the ERTF, the Emergency Management Committee (EMC) and staff received a significant number of inquiries from businesses about the potential of occupying public realm for potential patio operations. These inquiries were accompanied by dozens of inquiries from community members requesting the municipality to explore closing the downtown to vehicular traffic to make way for on-street shopping and patios.

Likewise, it became evident that some retailers may require the use of the public realm to accommodate customer lines due to COVID related reductions in store capacity. As a result, consumers were seen to be clustering on the sidewalk outside these retail establishments waiting their turn to be served. These individuals, although practicing physical separation from one another, were occupying the public realm (sidewalks) and restricting the ability of others who wished to practice physical separation from using the sidewalks. In some cases individuals were stepping onto parking spaces at the side of the road to pass. Unfortunately the downtown core sidewalks are relatively narrow and only permit individuals to safely pass if the sidewalk is not occupied by waiting individuals or other obstacles.

The requests to use the public realm for retail operations and the observations of how individuals were using the public realm converged at the very time the ERTF was considering how best to assist our downtown retailers, restaurants and bars included, return to viable operations while using public realm for consumers to physically distance.

The reality of the downtown core is that any expansion of retail footprint is only possible by occupying public realm and that can be in conflict with using the public realm to allow for physical separation.

The ERTF in consultation with the DOMB, and with the input of numerous individuals are considering this challenge and present the following as recommendations for Phase 1 of this initiative:

**1. Support patio approvals for restaurants and the leasing of public realm space in the downtown core by streamlining the approval process.**

- City staff have developed a new Patio Acknowledgement and Undertaking Form by which property owners can first assess, then attest, that their patio complies with the City of Orillia's patio guidelines.
- In order to implement this form and enforce patios which are not in compliance, staff have proposed amendments to the City's Emergency Management By-law 2020-28 (outlined in Schedule "E" of this report).
  - These amendments include a new offence section to address patios which are operating without obtaining approval, along with new definitions which are required to interpret and enforce the offences.
- It should be noted that while this process is designed to support the patio approval process, it is difficult to determine the estimated approval timeline for patios as it is dependent on the quality of the submission by the applicant.
- Patios in the downtown core which require a structure such as a raised patio or a pedestrian bump-out will proceed through the regular patio lease process.
- On average, lease applications for patios in the Business Improvement Area take approximately four weeks from submission of a complete application (including all drawings, documents, and required background material) to approval.
- The DOMB will expedite their review by delegating authority to the DOMB's Sidewalk Use Committee to approve patio expansions on to the public realm.
- [Chapter 675 of the City's Municipal Code](#) allows the DOMB to approve minor encroachments on City sidewalks within the Business Improvement Area. The ERTF recommends that Chapter 675 be temporarily amended to remove the DOMB's authority to approve tables. This ensures that all outdoor dining areas in the Business Improvement Area are treated equally, proceed through the same review process and contemplate factors such as the space required for physical distancing for pedestrians.
- Timelines for any permits or applications are greatly dependent on the quality and completion of the application and the extent of information provided by the applicant.

**2. Establish a Patio Task Force to assist with, and facilitate patio approval requests in a time efficient manner.**

- This task force would consist of staff from the Development Services and Engineering Department, Fire Department, Business Development and Communications Department and Environment and Infrastructure Services Department as well as the DOMB (as applicable).
- The membership of this Patio Task Force has been carefully selected to ensure that the departments that must be consulted are all able to work efficiently together to simplify the review and approval process. It should be noted however, that the review and approval process requires good quality, complete application submission materials from the applicants.
- This task force would assist businesses with understanding and navigating the City's approval process.
- It should be reiterated, that timelines for any permits or applications are greatly dependent on the quality and completion of the application and the extent of information provided by the applicant.

**3. Implement additional signage in the downtown core to remind customers of physical distancing measures and shopping and dining best practices.**

- It is recommended that Council approve the use of \$2,000 from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve to purchase 10 A-frame (sandwich board) signs to reiterate physical distancing and COVID-19 messaging throughout the downtown core.
- Signs have been placed throughout the City to reiterate physical distancing recommendations.
- This will help promote safe shopping and dining in the downtown core as pedestrian traffic increases as a result of increased patio space.
- These signs can be re-used after the COVID-19 response for municipal festivals and events and business support programs such as the DTCIP.

**4. Include a component to promote local restaurants through the recently approved ERTF Stay Safe, Shop Local campaign.**

- It is recommended that Council approve the use of \$5,000 from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve for this purpose.
- Restaurants will be invited to take photos of their patio and the City will endeavor to share these on the City's social media channels as well as the DOMB's and Orillia and Lake Country Tourism channels (as applicable).

**5. Utilize the City's DTCIP to offset the costs of patio lease application fees, parking space leases and the construction of reusable patios on the public realm (within the Downtown Tomorrow Community Improvement Plan Project Area) for the 2020 summer season.**

- Staff would waive evaluation criteria for patio grant applications. These evaluation criteria are typically used to “score” applications in order to provide preference to one application over another if there are insufficient funds, and/or to ensure projects meet a minimum threshold of improvements. If Council approves the recommendation, staff would interpret patios as a priority and evaluation criteria would not be applied.
- If Council approves the recommended motion, applicants could apply for up to 100% of the costs of patio lease application fees and parking space fees up to \$5,000, and applicants would be eligible for up to 50% of the costs of construction of patios which could be used in future seasons (pending future lease applications and approvals) up to \$15,000 (it is anticipated that patio structures would likely cost between \$2,000-\$5,000).
- The ERTF recommends that an additional \$50,000 be allocated to the 2020 DTCIP Program. A total of \$30,000 would be allocated to the Building Improvement Grant from the Downtown Tomorrow Community Improvement Plan (DTCIP) Reserve and a total of \$20,000 would be allocated to the Fees Grant Program from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve, exclusively for use to offset patio lease application fees and parking space fees.
- Staff already has delegated authority to approve and execute agreements for the Fees Grant Program. It is recommended that Council authorize staff to approve and execute agreements for the Building Improvement Grant for patios only (all other Tier 2 Grants would continue to be considered through the DTCIP Review Panel).
- As per Provision 8.2(c) of the DTCIP, with the exception of the Fees Grant Program, an application for any DTCIP program must be submitted prior to the commencement of any work and prior to the application for a building permit.

The ERTF recognizes that there are many diverse opinions about how best to accomplish these objectives and that whatever recommendations are adopted we ask our retailers and residents to be patient as all parties work out how best to allow our businesses to return to operation and at the same time, keep our residents safe while using these businesses.

## **Patio and Public Realm Project – Phase 2**

Staff will report back to Council on the second phase of this initiative, which contemplates a potential road closure in the downtown core, as well as the use of artists, musicians and entertainers to activate the street. It is anticipated that the ERTF will report back on this over the next three weeks, once the City and DOMB have an opportunity to review any potential safety concerns which arise through the implementation of the first phase, and once it can be determined that a sufficient percentage of businesses would utilize the public realm for patios and/or customer line-ups. This report would also identify the geographic extent of any potential road closures, along with other impacts such as the identification of curb-side pickup locations for stores during any potential road closures.



## Option 2

### **THAT Council provide direction in relation to Report ERTF-20-02.**

Council may choose to approve only some of the components recommended in this report. If this is the case, staff would seek direction as to which components to operate within this phase.

## Option 3

### **THAT Report ERTF-20-02 is received as information.**

This option is not recommended as the mandate of the ERTF is to assist businesses and the recommendations within this report help achieve this mandate. If Council approves this motion, patio requests in the downtown core would proceed through the regular approval process. The DOMB approval of small dining areas and/or bistro tables may hamper the City's ability to approve adjacent patio space. Applicants would be required to proceed through the regular DTCIP approval process, which has an intake deadline of June 30, 2020 and a full review process with decisions not disclosed (and therefore no ability to construct patios) until late July. Patios outside of the downtown core would require a full interdepartmental review and an alternate approval process.

## **Financial Impact**

If Council approves the recommended motion, this would result in the following financial impacts:

- A total of \$30,000 would be allocated from the DTCIP Reserve to the Building Improvement Grant for the 2020 DTCIP Program. The DTCIP Reserve has a current balance of \$916,000.
- A total of \$20,000 would be allocated from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve to the Fees Grant Program for the 2020 DTCIP Program. The COVID Emergency Relief Reserve has a current balance of \$966,000.
- An additional \$7,000 would be allocated to this initiative for marketing and signage from the Social Assistance and Economic Recovery COVID-19 Emergency Relief Reserve.

If Council approves the recommended motion, additional staff time will be required to execute the patio/public realm initiative. The City of Orillia is ramping up all operations across the corporation while still managing the increased workload resulting from the COVID-19 pandemic. The City still has a number of staff on temporary suspension from employment. In order to successfully execute the patio/public realm initiative, departments will shift priorities quickly and will resource appropriately. Worth noting some files may face some delays.

## Consultation

- The following ERTF members provided feedback on behalf of their organization members:
  - Lisa Thomson-Roop, Downtown Orillia Management Board
  - Allan Lafontaine, Orillia District Chamber of Commerce
  - Kris Puhvel, Orillia & Lake Country
  - Wendy Timpano, Orillia Area Community Development Corporation
- The ERTF undertook two consultation groups, one focused on the DOMB and a second for restaurateurs outside of the downtown core.
  - These consultations are summarized in Schedule “A” and “B”.
- The DOMB Executive provided feedback on behalf of DOMB members.
- The DOMB undertook a survey of DOMB members and a summary of the survey results are attached as Schedule “C”.
- Emails, phone calls and Facebook messages received by ERTF members and the Emergency Management Committee were also taken into consideration.

The DOMB adopted the following motion at its June 16, 2020, Board meeting:

*“THAT the Downtown Orillia Management Board support Option 1 as outlined in the Patio and Public Realm Project Report from the Economic Recovery Task Force dated June 15, 2020;*

*AND THAT the DMB delegate authority to the DMB’s Sidewalk Use Committee to approve patio expansions on to the public realm;*

*AND THAT for efficiency, the DMB prefers to continue to have authority under Chapter 675 to approve minor encroachments on sidewalks within the BIA;*

*AND THAT the DMB provide the following recommendation in regard to implementing street closures as outlined in Phase 2 should it be deemed necessary:*

- *Friday and Saturday evenings between 4:00pm – 11pm beginning July 3, 2020 to September 5, 2020 to accommodate the expansion of patios and retail establishments in select sections of Mississauga Street East and West and Peter Street South based on participation;*

*AND THAT the DMB request up to \$5,300 to cover the cost to hire two staff on Friday and Saturday evenings for ten weeks beginning July 3 to September 5, 2020 to set-up and tear-down barricades and monitor the closure to ensure fire lanes remain clear, deal with any emergencies and assist with the set-up and teardown of street;*

*AND THAT the DMB and ERTF monitor the street closures and pedestrian traffic to determine if the street closure should be expanded or decreased based on success of the closure.”*

*Should the board feel the street should be re-opened in case of an emergency or inclement weather, the hired staff will contact the delegated DMB staff member for direction to move forward with re-opening the street.*

Several of the comments shared by the DOMB will be addressed in the report regarding Phase 2 of this initiative.

### **Economic Development Impact**

Business owners have experienced a significant impact to their business due to the Provincial restrictions which were enacted to address the COVID-19 pandemic. These businesses are now eager to open their businesses in whatever capacity they are able to do so. Restaurants in particular are eager to proceed with the implementation of patios, however, they've noted that there are several barriers to this including perceived "red tape" and expenses associated with patio lease applications and the approval process, and application costs.

The approval of the recommendations within this report would facilitate an expedited approval process for patio requests, and would facilitate cost savings for new patios in the downtown core through use of the DTCIP. Staff would also incorporate promotion of the restaurants through the existing Stay Safe, Shop Local campaign.

These measures are anticipated to incentivize businesses which have not featured patios in the past to implement a new patio, and the community will be further encouraged to shop and dine local.

### **Communications Plan**

Business Development staff will work with the Manager of Tourism and Manager of Marketing to refine messaging to promote restaurants through the Stay Safe, Shop Local campaign. Details regarding this initiative will be promoted on the business support webpage at [orillia.ca/businesssupport](http://orillia.ca/businesssupport) and the Shop Local Orillia webpage at [shoplocalorillia.ca](http://shoplocalorillia.ca) and widely shared using the City's social media channels.

### **Relation to Formal Plans, City of Orillia Policy Manual and/or Guiding Legislation**

The recommendation included in this report is related to the following formal plans, the City of Orillia Policy Manual and/or guiding legislation:

- City of Orillia Strategic Plan (Section 5.1 and 6.2)
  - 5.1. Promote a revitalized and vibrant downtown core which encourages citizens to contribute to businesses in this area.
  - 6.2. Deliver leading edge, efficient and effective services that are client-centric and business friendly.
- Downtown Tomorrow Community Improvement Plan
- Downtown Tomorrow Plan
- City of Orillia Municipal Code
  - Chapter 251 – Delegated Authority By-Law

- Chapter 675 – Use of Sidewalks – Business Improvement Area
- City of Orillia Policy 4.2.1.3
  - Guidelines – Downtown Tomorrow Community Improvement Plan

## **Conclusion**

In light of the recent Provincial announcement regarding the Stage 2 re-openings, restaurants throughout Orillia are eager to open patios as soon as possible. The ERTF has provided several recommendations which would allow the City to provide approvals for patios throughout Orillia while reducing red tape and offsetting the costs of these patios. If Council approves the recommended option, Council would be removing several of the common barriers noted by business owners, and Orillia area restaurants can increase their capacity for business by implemented new and/or expanded patios for their clientele.

## **Schedules**

- Schedule “A” - Sector Consultation: Public Realm in the Downtown Core
- Schedule “B” - Sector Consultation: Restaurant Reopening
- Schedule “C” – DOMB Survey results
- Schedule “D” – Patio Acknowledgement and Undertaking Form
- Schedule “E” - Proposed amendments to Emergency Management  
By-law 2020-28

Prepared by & Key Contact:            Laura Thompson, CEc.D., Ec.D.  
Senior Manager of Business Development

*On behalf of the Economic Recovery Task Force*

Councillor Ted Emond, Chair

Councillor David Campbell

Councillor Ralph Cipolla

Ron Shulman, Mayor's appointee

Ted Markle, Mayor's appointee

Laura Thompson, City of Orillia Business Development and Communications

Dan Landry, City of Orillia Business Development and Communications

Michael Ladouceur, City of Orillia Business Development and Communications

Wendy Timpano, Orillia Area CDC

Allan Lafontaine, Orillia District Chamber of Commerce

Lisa Thomson-Roop, Downtown Orillia Management Board

Kris Puhvel, Orillia & Lake Country Tourism

Approved by:                                Ted Emond, Chair, Economic Recovery Task Force

## **Schedule “A”**

### **Sector Consultation: Public Realm in the Downtown Core**

**Date:** Monday, June 8, 2020

**Facilitator:** Laura Thompson

**Task Force attendees:** Laura Thompson, David Campbell, Dan Landry, Michael Ladouceur, Lisa Thomson-Roop, Kris Puhvel

**Questions:**

1. What barriers do you currently foresee once in-store dining/shopping is permitted?
2. How could the ERTF use the public realm to address these barriers?
3. Once we’ve come up with some ideas, we’ll brainstorm challenges and solutions related to those ideas.

**Invitees (Actual attendees bolded):**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Mariano Tulipano, Landlord</b></li> <li>• <b>Michael Fredson, Manticore</b></li> <li>• <b>Simon McRae, the Common Stove</b></li> <li>• <b>Darcy MacDonell, the Common Stove</b></li> <li>• <b>Nicole Birch, Studio Eleven</b></li> <li>• Melanie Robinson, Eclectic Café</li> <li>• Jessica Minler, Cards and Coasters</li> <li>• Joe Winnacott, Studabakers</li> <li>• Susan Willsey, Apple Annies</li> <li>• Owner, Makers Market</li> <li>• Jeff Gilbert, Gilbert Guitars</li> </ul> | <ul style="list-style-type: none"> <li>• Andre, Kensington Burger Bar</li> <li>• Kaylea McCarron, Couchiching Brewery</li> <li>• Cosmo Dominelli, Cosmos</li> <li>• Tyler Knight, The Refillery District</li> <li>• Dapper Depot, Steve Orr</li> <li>• Owner, Lahays</li> <li>• Patricia Cousineau, The Birdhouse</li> <li>• Gina/Lisa, Tre Sorelle</li> <li>• Vijay Patel, Subway</li> <li>• Leslie Fournier, Streets Alive</li> <li>• Paul Raymond, Hog N’Penny</li> </ul> |
|---|--|

**Top 5 Key Concerns raised:**

1. Space and managing people is a challenge.
2. Narrative by government and media is that it is unsafe to shop. Moving forward, that narrative needs to change.
3. Free parking is an issue because currently some cars are not moving all day, which is counterproductive to the intent
4. Full-time street closure would be devastating to retail business.
5. Front street construction will impact street closures and traffic, it’s important to understand the plan for the summer.

**Key actions recommended:**

1. Use on-street parking spaces for patios as long as it’s balanced with the needs of retailers for curbside pick-up
2. Reduce Red Tape if and where possible
3. Allow and encourage pedestrian bumpouts around patios
4. Consider Waiving Fees for patios and parking space rentals for this season
5. Explore using the CIP to offset the costs of building patios
6. Continue pushing shop-local messaging, and target boaters to bring them up the street to shop and dine
7. Phasing in programming to activate downtown
8. If there is a preference to close the street to traffic, this should only be done on Saturday
9. If street closure takes place, nearby curbside pickup locations should be identified
10. Provide consistent signage and floor decals for businesses

**Other notes:**

- Restaurant are looking at how to restructure seating to maximize occupancy while providing safe distances
- Restaurant is looking at how to maximize space inside and outside
- Retailer is limiting store to 4 people at a time
- Using outside sidewalks would be great for lineups, the challenge would be needing more staff to control line-up
- Debate on how to control vehicular traffic flow with pedestrian lineups or no vehicular traffic flow and how to arrange curbside pick-up
- Disposable gloves and masks causes extreme amount of waste, some retailers are trying to balance safety AND impact on the environment
- Mississauga Street is always busy and the solution needs to work for both restaurants and retailers
- Shopping local is important for the why – taxes, staffing etc
- Restaurants with patio space is ideal to keep pedestrian traffic flow
- Cost of infrastructure is high to create patios including permits and barriers
- Patios could be cost-prohibited but restaurants need to be creative and try
- One restaurant would be able to use direct sidewalk space outside to extend a patio
- City support for signage so that everyone looks consistent and it's not confusing to shoppers
- Common space for waiting will be needed
- Tourism and staycations will be important moving forward
- Creating a safe destination is paramount in any decision
- Saturday evening closure would be good for restaurants. 4pm-9pm etc, but difficult to close the street to traffic mid-day
- Manticore Books has a potential spot for communal curb-side pick-up location

## Schedule “B” Sector Consultation: Restaurant Reopening

**Date:** Tuesday, June 9, 2020

**Facilitator:** Laura Thompson

**Task Force attendees:** Laura Thompson, David Campbell, Dan Landry, Michael Ladouceur, Lisa Thomson-Roop, Kris Puhvel, Allan Lafontaine

**Questions:**

4. What barriers do you currently foresee once in-store dining/shopping is permitted?
5. How could the ERTF use the public realm to address these barriers?
6. Once we’ve come up with some ideas, we’ll brainstorm challenges and solutions related to those ideas.

**Invitees (Actual attendees bolded):**

- |  |                                   |
|--|-----------------------------------|
| • <b>Brad Watters, St. Louis Bar &amp; Grill</b> | • Owner, State and Maine          |
| • <b>Chris Suckling, Hermie’s Diner</b>          | • Diana Roman, Lake Country Grill |
| • <b>Todd McFarlane, Quesada</b>                 | • Chef at Grape and Olive         |
| • <b>Karen McFarlane, Quesada</b>                | • John Tselikis, theo’s eatery    |
| • <b>Mark Bootsma, Bounty Fish &amp; Chips</b>   | • Jigar, Freshii                  |
| • April McCarthy, Montanaa                       | • The Mexican House               |
| • Owner, Lot 88                                  | • Boston Pizza Orillia            |
| • Owner, Tops in Pizza                           | • John Swartz, arts and culture   |
| • Owner, Bounty Fish and Chips                   |                                   |

**Top 5 Key Concerns raised:**

6. Patio furniture is becoming scarce to source and locate. Can a restaurant simply put picnic tables instead of a patio?
7. Cleaning washrooms after each customer is extremely time intensive
8. Rush to open patios now, with very little notice. Need solutions now.
9. No clear rules on how they can open a patio, are masks required etc
10. How are restaurants supposed to handle thunderstorms and weather interruptions? Where do customers go?

**Key actions recommended:**

11. Speak with health unit about guidance on measures that restaurants must implement such as masks, and space and washroom cleaning as well as guidance on how to manage weather related incidents.
12. Provide clarity on City rules re patios both inside and outside of the downtown core.
13. Create a “see you on the patio” campaign. Highlight restaurants with patios. They take photos and tag us, we share on City account.
14. Rental companies are out of fencing and barriers, exploring lending municipal fences and barriers.
15. Provide consistent signage and floor decals for restaurants.
16. Explore shared eating and picnic spaces in municipal parks and squares, ensure availability of washrooms and tables.

**Other notes:**

- Not all restaurants have patio space which is an obstacle
- One restaurant does a lot of take-out so doesn't need a patio
- One restaurant doesn't have patio fully set-up yet, so it needs to be built in 4 days, which can be done, but advance warning would have been nice
- Washrooms must be open for liquor license requirements?
- Franchise Head offices working with landlords to look into patios and liquor license requirements
- Head office is asking washrooms to be cleaned after every use
- Logistics of patio set-up are a concern
- Any fencing available to be used to mark off parking spots
- Shortage on Keg beer
- Restaurants have lost some staff but not at a critical junction yet



## **Schedule “C” DOMB Survey Results**

### Summary of DOMB Survey Results\*

\*Only quantitative information has been summarized below, however, extensive qualitative data was also collected and analyzed by the DOMB and ERTF.

1. 79% of downtown business respondents support using on-street parking spaces to allow restaurants/café patios to expand on the street in front of their restaurants.
2. 74% of downtown business respondents support the temporary use of public realm space to support patios and 55% advised that they'd support using the public realm for pedestrians and customer line-ups.
3. 49% of downtown business respondents support the temporary use of public realm space for expanded retail space.
4. 34% of survey respondents felt that all municipal property (including streets, sidewalks, parking lots, parks and squares could be used to support their business. 52% of respondents feel that municipal sidewalks could be used to support their downtown business, while 38% of respondents feel that municipal streets could be used to support their business.
5. 53% of downtown business respondents would be in favour of a temporary closure of the main street and some side streets, and an additional 19% said they'd support the temporary closure of some streets but not all.
6. 26% of downtown survey respondents advised that they'd prefer the streets open [to vehicular traffic] at all times.
7. 21% of downtown business respondents are already open until 7 p.m. during the summer, while another 27% said they would stay open Friday evenings until 7 p.m. if a late night shopping opportunity was promoted for the downtown. Only 9% of respondents advised that they would stay open late on Saturday evenings.
8. 35% of downtown business respondents advised that if the City reduced/waived fees they could consider a patio/expanded retail space this year.\*\*
  - a. \*\*It should be noted that there are approximately 4 patio lease approvals downtown on an annual basis. It is not likely, but if all respondents who noted interest proceed through the approval process, this would constitute an increase of 600% or 24 patio/retail expansions.

Schedule "D" – Patio Acknowledgement and Undertaking Form

**OWNER'S ACKNOWLEDGEMENT AND UNDERTAKINGS**

**RE: COVID-19 PATIO PROGRAM**

*Please complete all applicable sections.*

PROPERTY INFORMATION (Site of COVID-19 Phase 2 Patio)	
Establishment Name:	
Street Address:	
ESTABLISHMENT OWNER INFORMATION	
Name:	
Mailing Address:	
City:	Prov./ PC:
Cell:	Email:
PROPERTY OWNER INFORMATION	
Name:	
Mailing Address:	
City:	Prov./PC:
Cell:	Email:
COVID PATIO DETAILS	
Gross Floor Area of COVID -19 Phase 2 Patio:	
Proposed Occupancy (#of Patrons):	
Location of Proposed COVID-19 Phase 2 Patio:	Is the proposed Patio located either wholly or partly on municipal property?
	Attach Site Drawing (Site Plan or Aerial Photography may be used where available)
<p><b>Note: If the proposed COVID-19 Phase 2 Patio is located wholly or partly on municipal property, a Licence of Occupation will be required, including liability insurance.</b></p>	
LIMITATION	
<p>The undersigned understands and acknowledges that the COVID-19 Phase 2 Patio Program permits the extension or construction of a COVID-19 Phase 2 Patio in accordance with provincial regulations and recommendations of the Simcoe Muskoka District Health Unit (SMDHU) is on a time limited basis during the period ending on the earlier of:</p> <ol style="list-style-type: none"> <li>a. The day upon which the Province allows Restaurants to reopen without limitation on capacity; or</li> <li>b. January 1, 2021 at 3:00 a.m.</li> </ol> <p>Notwithstanding the foregoing, the undersigned understands and acknowledges that the City may order the removal of the COVID-19 Phase 2 Patio or any portion thereof in accordance with the City's Emergency Measures By-law (By-law 2020-28).</p>	
UNDERTAKINGS	
<p>The undersigned undertakes to:</p> <ol style="list-style-type: none"> <li>1. Comply with all relevant and applicable:               <ol style="list-style-type: none"> <li>a. provincial legislation, regulations and Orders, including but not limited to the <i>Emergency Management and Civil Protection Act</i>, R.S.O. 1990, c. E.9, the <i>Building Code Act</i>, 1992 S.O. 1992, c. 23, as amended, the <i>Fire Protection and Prevention Act</i>, 1997, S.O. 1997, c. 4, as amended, the <i>Liquor Licence Act</i>, R.S.O. 1990, c. L.18, as amended, and the <i>Liquor Control Act</i>, R.S.O., 1990, c. L.19 and all Regulations and Codes established thereunder, including the <i>Fire Code</i> and the <i>Building Code</i>;</li> <li>b. the recommendations and Orders of the Provincial Medical Officer of Health and the Simcoe Muskoka District Health Unit, and Alcohol and Gaming Commission of Ontario;</li> <li>c. the By-Laws and Orders of the City; and</li> <li>d. the Applicant's Checklist attached hereto as Schedule A;</li> </ol> </li> <li>2. Ensure that the COVID-19 Phase 2 Patio is removed and the property restored upon the earlier of:               <ol style="list-style-type: none"> <li>a. The day upon which the Province allows Restaurants to reopen without limitation on capacity;</li> <li>b. January 1, 2021 at 3:00 a.m.; or</li> <li>c. The issuance of an order under City's Emergency Measures By-law (By-law 2020-28).</li> </ol> </li> <li>3. Obtain the written consent of the owner of the privately-owned property permitting the proposed patio, in advance, a copy of which is to be provided to the City prior to the installation of the COVID-19 Phase 2 Patio;</li> <li>4. Permit access, as required for the purposes of inspection and enforcement, for City, Fire and Health Unit Staff.</li> </ol>	
<p>The undersigned, being the Owner of the subject Establishment, hereby submits this Acknowledgement pursuant to the terms of the City's COVID-19 Phase 2 Patio Program.</p>	
Signature:	Date:

**SCHEDULE 'A'  
APPLICANT'S CHECKLIST**

**REQUIREMENTS FOR COVID-19 PHASE 2 PATIO  
(note that all items listed below are required prior to placing a COVID-19 Phase 2 Patio on a property)**

Location

- The proposed COVID-19 Phase 2 Patio is wholly situate within the limits of privately-owned property; OR
- A Licence of Occupation has been issued by the City for the placement of the proposed COVID-19 Phase 2 Patio on municipally-owned land;
- The proposed COVID-19 Phase 2 Patio does not exceed 40% of the Net Floor Area of the Restaurant it serves;
- The proposed COVID-19 Phase 2 Patio does not occupy any Required Parking Space for the Restaurant (note that the Required Parking Spaces for the Restaurant will be calculated based on the Net Floor Area of the COVID-19 Phase 2 Patio);
- The proposed COVID-19 Phase 2 Patio is within the walking distance prescribed by AGCO of the Restaurant it serves;
- The proposed COVID-19 Phase 2 Patio shall NOT occupy any space in a parking lot reserved for accessible parking, unless alternative accessible parking is provided.
- The proposed COVID-19 Phase 2 Patio does not occupy any parking aisle or driveway.
- The proposed COVID-19 Phase 2 Patio is not located in a sight triangle.

Access

- If a raised platform is proposed to comprise any portion of the proposed COVID-19 Phase 2 Patio, a Building Permit has been obtained for same;
- The proposed COVID-19 Phase 2 Patio does not compromise or obstruct barrier-free access to or from the patio entrances/exits, washrooms and/or designated barrier-free spaces.
- The proposed COVID-19 Phase 2 Patio does not compromise fire or emergency access or designated fire routes or block access to any Fire Department connections.
- The proposed COVID-19 Phase 2 Patio does not hinder or obstruct access for City Staff or utility companies who may need access for repair or maintenance of facilities, structures or otherwise, such as fire hydrants and connections, electricity elements, natural gas connections, trees/plants, pipes, cables, wires, poles, waste/recycle bins, etc.
- The proposed COVID-19 Phase 2 Patio will meet the following setbacks:
  - At least 1.5 m from any Fire Hydrant
  - At least 0.6 m from any Gas assets or meters; and
  - At least 1.5 m from any Utility Vault

Furnishings, Shelter and Other

- The proposed COVID-19 Phase 2 Patio will not contain fixed or permanent structures, furnishings, etc;
- The proposed COVID-19 Phase 2 Patio shall only contain temporary shelter, such as umbrellas or shade screens, but shall NOT contain tents, roofs, etc unless a Building Permit has been obtained for same where required;
- All dedicated waste receptacles will be located within the patio footprint;
- The proposed COVID-19 Phase 2 Patio will not contain outdoor cooking facilities or meal preparation areas.

Partitions

- The COVID-19 Phase 2 Patio will be demarcated by way of physical barriers, such as curb stops, etc. to ensure the safety of patrons from adjacent activities and to ensure public safety, and compliance with Liquor Control requirements, if applicable.
- Where fencing is used, same shall:
  - not be less than 1.07m in height;
  - be weighted by footplates or stable mass planter boxes;
  - not extend beyond the area of the COVID-19 Phase 2 Patio, and cannot be attached to trees, City property or utilities, etc.

Occupancy and Capacity

- The number of patrons is limited to a maximum of 40% of the design capacity of the indoor establishment subject to maintaining a minimum distance of two metres between patrons from different households.

**For City Use Only - Departmental Approval**

Department	Name	Signature - approved	Date
Planning			
Building			
Fire			
Legislative Services			

**Schedule “E”**  
**Proposed amendments to Emergency Management By-law 2020-28**

New offence sections:

No Person shall operate a COVID-19 Patio on private property without first obtaining approval to do so from the Chief Administrative Officer, or designate.

No Person shall operate a COVID-19 Patio on City property without first entering into a Lease Agreement with the Chief Administrative Officer, or designate.

No Person shall operate a COVID-19 Patio in contravention of the provisions of the Acknowledgement and Undertaking Form, including the requirements set out in Schedule “A” attached thereto.

New definitions:

“Acknowledgement and Undertaking Form” means the form provided by the City for completion by legal owners of Establishments pursuant to the terms of the COVID-19 Patio Program.

“COVID-19 Measures” means all legislative amendments, controls, orders, and requests and requirements to persons to change their activities in various ways, enacted or issued by the Governments of Canada, the Province of Ontario, the Simcoe Muskoka District Health Unit and/or the City in response to the COVID-19 pandemic.

“COVID-19 Patio” includes a temporary outdoor area, constructed (as new or expansion of existing) for the purposes of accommodating COVID-19 measures, where food, beverages, wine, spirits or any of them are served to the public or to members of a club or organization and is an accessory use to a restaurant or bar.

“COVID-19 Patio Program” means the program approved by City Council on **XXXX**, 2020, in response to the Province of Ontario’s Phase 2: A Framework for Reopening our Province.

“Establishment” means a restaurant or bar operating a COVID-19 Patio.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.