

# Memorandum

Date: June 30, 2020

To: Members of Council

From: Sandra Dolson, Officer, Economic Development and Tourism, Strategic Initiatives

Subject: Temporary Outdoor Patio Spaces During COVID-19

On March 17, 2020, the Ontario government (Province) declared a state of emergency in response to the COVID-19 pandemic. As a result, on March 23, the Province began to shut down all non-essential services and businesses.

These orders affected most Caledon retailers and businesses.

At the end of April, the Province released *A Framework for Reopening our Province*, outlining a 3-stage process to reopen business stressing the need to maintain distances and limit interactions between individuals.

On May 14, the Province announced Stage 1 of the reopening which allowed restaurants to open for take-out and delivery while adhering to Public Health requirements.

On June 22, the Province announced Peel Region could enter Stage 2 of business reopening. Among other business services, food and drink establishments have been granted permission to reopen as follows:

Restaurants, bars, food trucks and other food and drink establishments (e.g., wineries, breweries and distilleries) can open for dining in outdoor areas only, such as patios, curbside, parking lots and adjacent premises.

Establishments must take appropriate measures to ensure physical distancing of at least two metres between patrons from different households, including:

- using reservations
- limiting number of patrons allowed in the outdoor space at one time
- ensuring enough space between tables, including to allow for movement
- access to indoor facilities is limited to patio/outdoor dining area access, food pickup, payment, washrooms or other health and safety purposes

As part of the Province's Stage 2 Plan, on June 5, 2020, amendments were enacted to the Liquor Licence Act to permit temporary licenced patio extensions valid until 3:00 a.m. on January 1, 2021 (rather than the traditional 14-day temporary patio extension).

Liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio, or temporarily add a new licensed patio within the approved period are authorized to do so, if all the following criteria are met:

- the physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies
- the municipality in which the premises is situated does not object to an extension
- the licensee is able to demonstrate sufficient control over the physical extension of the premises
- there is no condition on the liquor sales licence prohibiting a patio

The response to COVID-19 and the associated shutting down of non-essential businesses for an extended time has had a severe impact on many local businesses and their employees. Businesses permitted to reopen operations under Stage 2 will do so as soon as they can, provided it is cost-effective for them to operate while complying with the various health regulations.

Town staff have developed a process to facilitate the expansion or addition of temporary patio spaces. There are no application fees associated with this process.

The intent is to create a review process that is easy for restaurant owners to navigate and provides short review timelines while still protecting public safety.

### **Approval Process for Temporary Patios**

Patios (new, expanding or temporary) are subject to Site Plan Control as per the Town's Site Plan Control By-law (By-law No. 13-086).

Planning staff has conducted a review of internal procedures, approaches from other municipalities and has discussed this matter with our external partners (i.e. Region of Peel, Conservation Authorities and the Niagara Escarpment Commission).

Temporary patios will be a priority within the Planning and Development Services Division, with designated staff in various disciplines across the Town forming a team to provide input and review these applications.

To support local businesses in the re-opening in Stage 2 and as a result of this review, the Town has created an expedited review process with no application fee for those temporary patios (licensed or unlicensed) which meet the following eligibility criteria:

- The patio is temporary, accessory to a permitted restaurant and is located on the same lot as the restaurant.
- The patio is not regulated by a Conservation Authority, or alternatively, a permit or alternative clearance from a Conservation Authority has been issued.
- The patio does not include any permanent structures including decks, roofs, gazebos, awnings, permanent fencing, electrical installations, visual screens and fueled fire appliances (i.e. propane heaters, BBQs).
- The patio complies with Ontario Fire Code requirements including unobstructing emergency access routes and doors, adequate spacing from fire hydrants and fire department connections, and maintaining all fire protection equipment.
- The patio and affected lands comply with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.

- The patio does not include amplified sound and will comply with the Town's Noise By-law (No. 86-110).
- The patio does not require altering grades, surfaces, landscaping strips and vegetation.
- All signage complies with the Town's Sign By-law (No. 17-054).
- Where the patio includes temporary fencing or delineating of space, additional criteria are met to ensure the fencing/delineation is temporary, does not create a trip hazard and is designed to be accessible.

Adding or expanding a ground-level outdoor patio space does not require a building permit.

Through this expedited review process, the applicant will submit the Fast Track Site Plan Application using the online form. Planning staff will review the application to confirm that the temporary patio meets the eligibility criteria. Provided the eligibility criteria is satisfied and the application and scoped supporting documents are submitted, the Town will issue approval within 2-3 business days.

Where patios do not meet the eligibility criteria identified above, Site Plan Control continues to be required. While Town staff will work with the applicant to process the application expediently, a more detailed review of the application and a fee will be required. Additional approvals/permits may also be required.

## **Conclusion**

A multi-disciplinary staff team worked together to plan and review an application process by which food and drink establishments may add or expand their outdoor patio space. This process is intended to provide local businesses with an opportunity to safely expand their outdoor patio while operating safely and maintaining physical distancing between customers and employees.

Details of the application process have been sent directly to those business owners that have contacted the Town regarding their outdoor patio space, are available on the Town's website at [caledon.ca/patio](http://caledon.ca/patio) and will be shared through our communication channels including social media, newsletter and direct email.