

Memo



To: Regular Meeting
From: **Corporate Services**
Date: 2023-03-27
Subject: Exclusive Use of Public Property – Sidewalk Patios

Purpose

For Council to receive an update on the Exclusive Use of Public Property program implementation, specifically regarding the Sidewalk Patios.

Background

In June 2022, Council adopted a new Exclusive Use of Public Property Bylaw to codify practices around patios, parklets, and mobile vendors, and to replace several City policies. (The full report and attachments from June 27, 2022, are attached. This includes a copy of the Bylaw that was adopted on that day).

The Bylaw's intent was to set the current standards that Council expects of all Exclusive Use of Public Property operators.

In summary, the new Bylaw now provides guidelines to Staff and the operators regarding expectations of Council for:

- how the application and permit processes are undertaken
- authorities of Staff as part of the process, and the potential appeal process if required
- requirements for Sidewalk Patios/Parklets
- requirements for Mobile Vendors
- requirements for Municipal Facility Rental

Current Program Deployment

City Staff have started to receive requests from various previous Sidewalk Patio operators for the upcoming 2023 summer season, and as such have finalized a simple pamphlet and application form that will form part of a package (see attachments for pamphlet and application form) that Staff plan to distribute in the coming days along with a copy of the full bylaw to the various known Sidewalk Patio operators that came to Council in 2022 (Avalon Gardens, the Bar+Kitchen, the Boardroom Café) or had other past longstanding arrangements (Joga's).

Staff will also deliver a copy of the package to businesses that now require a permit based on past experiences (the Wooden Spoon, the Borscht Bowl), and will try to proactively hand out the package to others that may be considering utilizing more space (the Wingman, Marvelous Munchies, 3rd Street Bakery, Clydes, etc.)

Through the Bylaw, Council has delegated the authority to Staff to issue and renew permits for Sidewalk Patios as long as the proposed patio is aligned with the requirements of the Bylaw. However, Staff have indicated to Council in the past that Staff would only do so if the planned use is substantially the same as in previous years.

As such, Staff plan to only issue permits for 2023 for the following businesses (in alphabetical order) if applications are received:

- Avalon Gardens
- Joga's
- The Bar + Kitchen
- The Boardroom Café
- The Borscht Bowl
- The Wooden Spoon

All new Sidewalk Patio permit applications for 2023 would be brought to Council first before Staff would issue the permit.

Attachments

1. Pamphlet and Application Form
2. Report and attachments (includes copy of Bylaw) from June 27, 2022

Report Approval Details

Document Title:	230327 - Exclusive Use of Public Property - Sidewalk Patios.docx
Attachments:	- Exclusive Use Pamphlet.pdf - Exclusive Use Application.pdf - 220627 - Report - ExclusiveUseofPublicPropertyBylawNo.2090.pdf
Final Approval Date:	Mar 20, 2023

This report and all of its attachments were approved and signed as outlined below:

Duncan Redfearn