Minutes – Council – March 21, 2024

Minute No. 215
Report – Standing Policy Committee on Property and Development – March 7, 2024

Item No. 6 Temporary Patio Registration Program

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Temporary Patio Registration Program be established permanently citywide.

2. That fees for the ongoing Temporary Patio Registration Program be waived.

3. That fees for existing patio Encroachment Licenses within the public right-of-way be waived.

4. That the City solicitor and Director of Legal Services be instructed to prepare an amendment to the Encroachment By-law No. 12/2019 in accordance with Recommendation 3 and bring same directly to Council for enactment.

5. That the Public Service monitor the program and provide a verbal report back in March 2025.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – March 7, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

His Worship Mayor Gillingham and Councillor Chambers were absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On March 23, 2023, Council adopted the recommendation of the Standing Policy Committee on Property and Development, which included the following:

4. That the Public Service evaluate the feasibility of establishing a long-term Temporary Patio Program and report back in one year.

ADMINISTRATIVE REPORT

Title: Temporary Patio Registration Program

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

During the COVID-19 pandemic, the Planning, Property and Development Department implemented the Temporary Patio Registration Program to help businesses during reduced restaurant occupancy restrictions.

The Temporary Patio Registration Program enabled restaurants to quickly and easily start up open-air patio spaces. Plan review by the City was not required for patios, provided restaurants followed the registration process and adhered to safety guidelines. The program was offered at no cost to customers.

The current program is scheduled to end on March 31, 2024. Due to the program's success, including positive feedback and support, the Public Service is seeking approval to establish a Temporary Patio Registration program on a permanent basis.

RECOMMENDATIONS

1. That the Temporary Patio Registration Program be established permanently citywide.

2. That fees for the ongoing Temporary Patio Registration Program be waived.

3. That fees for existing patio Encroachment Licenses within the public right-of-way be waived.

4. That the City solicitor and Director of Legal Services be instructed to prepare an amendment to the Encroachment By-law No. 12/2019 in accordance with Recommendation 3 and bring same directly to Council for enactment.

5. That the Public Service monitor the program and provide a verbal report back in March 2025.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The current Temporary Patio Registration Program is scheduled to end on March 31, 2024.

On March 2, 2023, the Public Service was directed to evaluate the feasibility of establishing a long-term Temporary Patio Program across the entire city and report back in one year.

Council approval is required to waive fees.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are approved, the Public Service will establish the Temporary Patio Registration Program permanently at no cost to customers. The projected revenue loss for the City is anticipated to be approximately $110,000 annually.

Establishing the program permanently will:

1. Continue to support economic development, downtown revitalization, and increase vibrancy in the city;

2. Continue to offer red tape reduction;

3. Provide service continuity for restaurants that have utilized the program since March 2020;

4. Support restaurants that will be offering services during Winnipeg 150 celebrations this year.

If the recommendations are not approved, restaurants that would like to establish a patio within the street right-of-way may not be ready to operate by April 1, 2024, due to the approval timelines for encroachment license agreements.

HISTORY/DISCUSSION

History

The Temporary Patio Registration Program was created by the City of Winnipeg in March 2020 in response to the COVID-19 pandemic and the Province of Manitoba's Restoring Safe Services Plan.

The program addressed reduced interior restaurant occupancy restrictions by making it easy and quick to establish a temporary open-air patio. Temporary patios were approved on an expedited basis, usually within two business days, provided the restaurant agreed to adhere to the general safety requirements outlined on the application form.

On March 23, 2023, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Temporary Patio Registration Program be extended from April1, 2023 to March 31, 2024.

2. That fees for the Temporary Patio Registration Program be waived from April 1, 2023 to March 31, 2024.

3. That fees for existing patio Encroachment Licenses be waived during the Temporary Patio Registration Program.

4. That the Public Service evaluate the feasibility of establishing a long-term Temporary Patio Program and report back in one year.

Council's Strategic Priorities Action Plan (SPAP)

The *OurWinnipeg2045* development plan was approved by Council May 26, 2022 with a commitment to plan implementation through development of a Strategic Priorities Action Plan (SPAP). After several workshops with Members of Council and the Public Service beginning in November 2022 through 2023, the SPAP was adopted by Council in 2023.

Within the SPAP, Council prioritized support for five key city building themes where the City will take direct action on some, collaborate on others, and advocate, where appropriate, to get results for residents over the four-year Council term.

Under Key Theme 1: The Downtown (p. 15) included a direct reference to the initiative proposed in this report:

'1.2 Transition the temporary patio program into a permanent program'

The anticipated outcome being identified as supporting and increasing access to local business continuing the momentum to make downtown Winnipeg a vibrant, safe, clean, and welcoming complete community and tourist destination for all residents and visitors.

It is important to note here that within this report, in addition to our Downton, the Public Service is recommending that the Temporary Patio Registration Program be made permanent across the entire City.

Discussion

Temporary patios require seasonal registration compared to permanent patios that have been established through a conditional use approval under the zoning by-law with no requirement to re-establish every year.

Businesses that wish to establish a patio on a permanent basis, or are proposing structures such as overhead canopies, would require a conditional use approval, plan review and an occupancy permit. These would not be eligible for the temporary program.

Temporary patios are primarily established along mixed-use corridors, neighbourhood main streets, and the Downtown located either on private property or within the street right-of-way on the sidewalk. The design, location and size must be submitted with the registration application and are vetted through Zoning and Permits, Urban Planning, Public Works and Transit before approval.

The program has been extended several times since its creation, with the most recent extension and fee waiver approved in the 2022 budget. The program is scheduled to end on March 31, 2024, unless established permanently. In 2023, 41 restaurants registered for a temporary patio. There are currently no winter patio registrations under this program.

Temporary patios that have been registered with the program have been operating in accordance with their conditions of approval and there have been no nuisance-related complaints.

Prior to the Temporary Patio Registration Program, establishing a patio in the street right-of-way would typically take up to three months to finalize the encroachment license agreement, building permit and occupancy permit. Similarly, a patio on private property would require several weeks to approve the development permit, building permit and occupancy permit.

Due to the program's success, including positive feedback and support, the Public Service is seeking approval to establish a Temporary Patio Registration program on a permanent basis.

The Recommendations of this report are also in line with other cities, where patio programs that were implemented during the pandemic have similarly been extended or made permanent with more permissive regulations.

FINANCIAL IMPACT

Financial Impact Statement

Date: February 1, 2024

Project Name:

First Year of Program 2024

Temporary Patio Registration Program

	2024	2025	2026	2027	2028
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	(110,000)	(113,300)	(116,700)	(120,200)	-
Net Cost/(Benefit)	$ 110,000	$ 113,300	$ 116,700	$ 120,200	$ -
Less: Existing Budget Amounts	110,000	113,300	116,700	120,200	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: It is estimated that waiving of fees will result in foregone revenue of up to $110,000 in 2024. Amounts for 2025 to 2027 represent the 2024 amount increased annually by an assumed inflation factor of 3%. Given that permit fee revenues have been under budget in recent years, there is a risk that this foregone revenue will not be offset by other revenues. As it is not possible to conclude with certainty that offsetting revenue increases will not arise, for the purposes of this analysis, no budget adjustment is required.

Mike McGinn Feb. 1, 2024

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Public Works
- Risk Management

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg and the Complete Communities Direction Strategy 2.0 include policies that encourage patios downtown and along mixed-use corridors. Specific references as follows:

Policy 8.9 under Downtown
Encourage the creation of a patio culture to enliven streets and draw people throughout the day.

Policy 3.1.4 under Mixed Use Corridors
Encouraging balconies and public spaces, such as plazas, patios, or other pedestrian amenities.

Policy 2.2 under Established Neighbourhoods
Encourage the location of commercial or mixed-use buildings at or near the front and corner side property lines to create a pedestrian orientation. Use setbacks to reinforce the public realm through landscaping and pedestrian amenities such as entryways, patios, benches and bicycle parking.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan and it was determined that the Plan is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy, as well as the corresponding Implementation Plan, and it was determined that the Strategy is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Martin Grady
Date: February 2, 2024