
Patio Innovation Program 2021

ACS2021-PIE-RHU-0005

City Wide

Report recommendations

That the Transportation Committee recommend that Council:

- 1. Delegate authority to the Manager, Right of Way, Heritage and Urban Design in consultation with the Director of Traffic Services together with the Director of Roads and Parking Services, to:**
 - a. Authorize the closure of segments of any City of Ottawa road as a temporary measure through to January 1, 2022, as part of the City of Ottawa's economic recovery efforts; and**
 - b. Limit this delegation of authority to only be exercised where there is the written request of the Business Improvement Area (BIA) for the given geographic area, or in the circumstance where a BIA does not exist, 2/3 of the business owners on each block segment approve of the road closure as provided in writing to the Manager and the Directors listed above;**
- 2. Amend the Right of Way Patio By-law 2017-92 (ROW Patio By-law) for 2021 only, as follows so that:**
 - a. All Right of Way patio permits (ROW patio permit) issued in 2021, be subject to a closure of 2:00 AM; and**
 - b. An applicant to the Café seating program may request an unlimited amount of Café seating permits (to expand**

beyond the four table, eight seat cap) where space exists.

3. **Amend the provisions of the Use and Care of Roads By-law, for 2021 only, such that a business owner may establish along the frontage of their business a retail pop up, with an application fee of \$68 similar to the Café Seating provisions of the ROW Patio By-law 2017-92 and \$372 for a retail patio.**

Melanie Knight, Program Manager, Public Realm & Urban Design, Planning, Infrastructure and Economic Development (PIED), provided a detailed overview of the report. A copy of the PowerPoint presentation is held on file with the Office of the City Clerk. Also in attendance to respond to questions were Laureen Dinardo, Coordinator, Public Realm Permits & Agreements (PIED), Court Curry, Manager, ROW, Heritage & Urban Design Services (PIED), Roger Chapman, Director, By-Law & Regulatory Services, Emergency & Protective Services Department.

Prior to receiving delegations, Councillor M. Fleury introduced the following motion for consideration:

Motion

WHEREAS the City of Ottawa requires permits for right of way patios and café seating, in accordance with the provisions of the Right of Way Patio By-law No. 2017-92, and

WHEREAS the Right of Way Patio By-law No. 2017-92 provides the framework to implement conditions as the General Manager deems necessary in the circumstances to ensure compliance with this by-law and that are in the public interest, including any proposed appurtenances, and for stepped enforcement for issues that may arise from complaints;

WHEREAS the Right of Way Patio By-law 2017-92 (ROW Patio By-law) for 2021 pilot is a blanket approach which includes all businesses applying for a permit in the city;

WHEREAS the ROW Patio By-law addresses response to complaints, noise and revoking of a permit if a business is in violation; and

WHEREAS, for the purpose of this report and the issuing of permits within the ByWard Market, the ByWard Market is defined by the area bordered by St. Patrick Street, King Edward Avenue, Rideau Street and Sussex Avenue; and

WHEREAS within the defined area of the ByWard Market, the concentration of businesses with ROW patio permits is the largest amounts of any other commercial districts across Ottawa; and

WHEREAS specific concerns around crowd management, noise amplification (from patio and from indoor spaces onto the patio) highlight the ongoing concerns for good neighbour and respecting the permit requirements; and

WHEREAS observed concerns regarding excessively dense congregating and the inability to undertake physical distancing in the ByWard Market;

WHEREAS the Byward Market is an important part of Ottawa's retail history, is one of the most visited urban areas in the city by residents and tourists; and

WHEREAS this area includes a lively commercial and residential district; and

WHEREAS maintaining safety remains a City priority for visitors and residents; and

WHEREAS this creates a distinctive situation for patio use in the Market;

WHEREAS the ROW Patio By-law permits have important provisions that are important to protect the integrity of the ROW Patios efforts;

WHEREAS the PIED team and By Law services will need to work closely to address any issues coming from complaints and proactive monitoring of all permit holders' provisions and escalating permit approach to any business in violation of permit provisions;

BE IT RESOLVED That Committee recommend the report be amended to address the ByWard Market's unique issues by requesting that By-law and Regulatory Services consider undertaking proactive enforcement measures in the Market;

BE IT FURTHER RESOLVED that PIED staff provide regular updates on complaints, permit compliance concerns, and escalation approach for all non-compliance permit holder to all Ward Councillors with ROW patios;

AND BE IT FURTHER RESOLVED that PIED staff update Council on the review of the ROW Patio By-law for 2021 in Fall 2021 to inform and develop spring 2022 plan.

The Committee then heard from the following four delegations:

- Norman Moyer, President, Lowertown Community Association* indicated support for Councillor Fleury's motion. However, he expressed concerns with extending the closing times, noting issues with noise and litter and the need for proactive enforcement rather than a by-law control process that puts the onus on the public. He would like staff to re-examine an approach specific for the ByWard Market suggesting charging commercial rents for patio space and use that revenue to fund by-law enforcement. Additionally, Mr. Moyer expressed concerns regarding clearways for pedestrians and suggested that they be 4 meters wide.

-
- Mark Kaluski, Ottawa Coalition of Business Improvement Areas (OCOBIA) spoke to the economic impacts that the pandemic has had on businesses. Allowing the extension to 2 am would be a huge benefit as that is the most lucrative time for restaurants and bars to be open. Businesses want to continue to operate and are aware of the penalties for non-compliance. He understands that noise is a concern but commits to working with the businesses to adhere to the noise by-laws.
 - Cheryl Parrott, Hintonburg Community Association* spoke in opposition to the staff recommendations. She expressed concerns with the increase in ROW patios on minor commercial and residential streets and noise compliance. The requirement for ROW patios to close at 11 pm was to try to balance competing uses and needs within the community. Registering noise complaints with the city can be a frustrating and futile exercise.
 - Jasna Jennings spoke on behalf of the ByWard Market Business Improvement Area in support of the staff recommendations, noting that staff are recommending a fair and consistent approach creating a level playing field for everyone. Also noting that 11 to 2 am is an entire shift in the serving world, cutting out this timeframe would cut many jobs. The ByWard Market BIA will commit to hosting an information session for all ByWard Market licensees in cooperation with City Staff, Public Health and AGCO to ensure clarity of all rules and regulations in support of compliance.

Correspondence, largely in support of the report, had also been received from the following:

- Email dated February 26 from the Jasna Jennings, Executive Director of the Byward Market Business Improvement Area

-
- Email dated March 1 from Hubert Lussier
 - Email dated March 1 from Robert Cram
 - Email dated March 1 from Sylvie Grenier
 - Email dated March 1 from Sarah Jennings
 - Email dated March 2 from Anthony Balestra, owner of Anthony's Pizza Napoletana
 - Email dated March 2 from Ashna Ganeshan
 - Email dated March 2 from Andrew White
 - Email dated March 2 from Brian Lahey
 - Email dated March 2 from Carmen Arecchi
 - Email dated March 2 from Christopher Lord
 - Email dated March 2 from Chelsea Paterson
 - Email dated March 2 from Carley Sheen
 - Email dated March 2 from Donna Belanger
 - Email dated March 2 from David Mangano
 - Email dated March 2 from Doug Pettit
 - Email dated March 2 from Erika Bentley
 - Email dated March 2 from Elias Papadolias
 - Email dated March 2 from Ed Salloum
 - Email dated March 2 from Elio Malandra

-
- Email dated March 2 from G. Kattar
 - Email dated March 2 from Cheryl Parrott and Wayne Rodney, Co-chairs of the Hintonburg Community Association
 - Email dated March 2 from Isabel Botros
 - Email dated March 2 from Jeanette Bouchard
 - Email dated March 2 from John Campbell
 - Email dated March 2 from John Chiarello
 - Email dated March 2 from Joey Desrochers
 - Email dated March 2 from Kelly Bryant, owner of the The Lookout Bar
 - Email dated March 2 from Kia Postma
 - Email dated March 2 from Kaija
 - Email dated March 2 from Liz and Jean-Guy Bourguignon
 - Email dated March 2 from Lucia De Franco
 - Email dated March 2 from Lou Malouf
 - Email dated March 2 from Lilli Paquette
 - Email dated March 2 from Marcello Baccala
 - Email dated March 2 from Mike Godwin
 - Email dated March 2 from Marco Raponi
 - Email dated March 2 from Michael Sanon
 - Email dated March 2 from Maurizio Sottile

-
- Email dated March 2 from Mike Theberge
 - Email dated March 2 from Norman Moyer, President of the Lowertown Community Association
 - Email dated March 2 from Michael Crockatt, President of Ottawa Tourism
 - Email dated March 2 from Phil Bentivoglio
 - Email dated March 2 from Peter Dunlap
 - Email dated March 2 from Peter James
 - Email dated March 2 from Patrick Labrèche
 - Email dated March 2 from Pamela K.
 - Email dated March 2 from Paulmateus
 - Email dated March 2 from Rob Bernabo
 - Email dated March 2 from Ryan Little
 - Email dated March 2 from Fernando Campagna
 - Email dated March 2 from Steve Foget
 - Email dated March 2 from Simran Kochar
 - Email dated March 2 from Steve Montcalm
 - Email dated March 2 from Sue Plowman, owner of The Lookout Bar
 - Email dated March 2 from Suzanne Quintal
 - Email dated March 2 from Stef Winstan

-
- Email dated March 2 from Tawni Arecchi
 - Email dated March 2 from Talaal Baroudi
 - Email dated March 2 from Trevor Johnson
 - Email dated March 2 from Tracey-Lou Rockburn
 - Email dated March 2 from Tosca Restaurant
 - Email dated March 2 from Vince Porco
 - Email dated March 2 from Wayne Mackie
 - Email dated March 2 from Maxine Longtin
 - Email dated March 2 from Andy McLean
 - Email dated March 2 from Nigel Couchman
 - Email dated March 2 from Vincent ho
 - Email dated March 2 from Chan Nguyen
 - Email dated March 2 from Marlon Oneid
 - Email dated March 2 from Ronnie Skaff
 - Email dated March 2 from Dajana Saric
 - Email dated March 2 from Tim Brown
 - Email dated March 2 from Gino Romano
 - Email dated March 2 from David Amar
 - Email dated March 2 from J'tm resto bar

-
- Email dated March 2 from Rob Sicoli
 - Email dated March 2 from Jamie Love
 - Email dated March 2 from Chris Sylvestre
 - Email dated March 2 from Kasha Arecchi
 - Email dated March 2 from Jen Krespine
 - Email dated March 2 from The Black Irish Pub
 - Email dated March 2 from Luck Belanger, Belanger Chrysler Dodge Jeep Ram
 - Email dated March 2 from Gaetano Licari
 - Email dated March 2 from Kendra Sauriol
 - Email dated March 2 from Erik Dustin
 - Email dated March 2 from James Garofalo
 - Email dated March 2 from Chris Steeves
 - Email dated March 2 from Paul Trepanier
 - Email dated March 2 from Nora Sok
 - Email dated March 3 from Bob Brown
 - Email dated March 3 from Jane Dall
 - Email dated March 3 from Charbel Karakouzian
 - Email dated March 3 from Ottawa Lawn and Yard Services
 - Email dated March 3 from Melissa Pushman

-
- Email dated March 3 from Jennifer Oliver
 - Email dated March 3 from Aeddon Monette
 - Email dated March 3 from John Marcarelli
 - Email dated March 3 from Matthew Smith
 - Email dated March 3 from Cynthia Nesrallah

[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.]

MOTION N° TRC 2021-16/1

Moved by Councillor M. Fleury

WHEREAS the City of Ottawa requires permits for right of way patios and café seating, in accordance with the provisions of the Right of Way Patio By-law No. 2017-92, and

WHEREAS the Right of Way Patio By-law No. 2017-92 provides the framework to implement conditions as the General Manager deems necessary in the circumstances to ensure compliance with this by-law and that are in the public interest, including any proposed appurtenances, and for stepped enforcement for issues that may arise from complaints;

WHEREAS the Right of Way Patio By-law 2017-92 (ROW Patio By-law) for 2021 pilot is a blanket approach which includes all businesses applying for a permit in the city;

WHEREAS the ROW Patio By-law addresses response to complaints, noise and revoking of a permit if a business is in violation; and

WHEREAS, for the purpose of this report and the issuing of permits within the ByWard Market, the ByWard Market is defined by the area bordered by St. Patrick Street, King Edward Avenue, Rideau Street and Sussex Avenue; and

WHEREAS within the defined area of the ByWard Market, the concentration of businesses with ROW patio permits is the largest amounts of any other commercial districts across Ottawa; and

WHEREAS specific concerns around crowd management, noise amplification (from patio and from indoor spaces onto the patio) highlight the ongoing concerns for good neighbour and respecting the permit requirements; and

WHEREAS observed concerns regarding excessively dense congregating and the inability to undertake physical distancing in the ByWard Market;

WHEREAS the Byward Market is an important part of Ottawa's retail history, is one of the most visited urban areas in the city by residents and tourists; and

WHEREAS this area includes a lively commercial and residential district; and

WHEREAS maintaining safety remains a City priority for visitors and residents; and

WHEREAS this creates a distinctive situation for patio use in the Market;

WHEREAS the ROW Patio By-law permits have important provisions that are important to protect the integrity of the ROW Patios efforts;

WHEREAS the PIED team and By Law services will need to work closely to address any issues coming from complaints and proactive

**Transportation Committee
Report 16
10 March 2021**

137

**Comité des transports
Rapport 16
Le 10 mars 2021**

**Extract of Draft Transportation
Committee Minutes 16
3 March 2021**

**Extrait de l'ébauche du
procès-verbal 16
du Comité des transports
Le 3 mars 2021**

monitoring of all permit holders' provisions and escalating permit approach to any business in violation of permit provisions;

BE IT RESOLVED That Committee recommend the report be amended to address the ByWard Market's unique issues by requesting that By-law and Regulatory Services consider undertaking proactive enforcement measures in the Market;

BE IT FURTHER RESOLVED that PIED staff provide regular updates on complaints, permit compliance concerns, and escalation approach for all non-compliance permit holder to all Ward Councillors with ROW patios;

AND BE IT FURTHER RESOLVED that PIED staff update Council on the review of the ROW Patio By-law for 2021 in Fall 2021 to inform and develop spring 2022 plan.

CARRIED

The committee CARRIED the report recommendations as amended by Motion 16/1 with Councillor J. Leiper and M. Fleury dissenting on recommendation 2a of the staff recommendations.