

From: [REDACTED]
Sent: Thursday, August 18, 2022 11:44 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Zoning By-law Patio Restrictions

I consent.

Dear Members of the Planning and Environment Committee,

Re: Zoning By-law Patio Restrictions

Please note, several questions are posed in the letter below which will be asked at the Public Participation Meeting. I am hoping for a rebuttal.

A new zoning by-law amendment is being proposed to remove patio capacity limits across the city and extend patios into the winter months. The only limits on patio capacity will be determined by Section 3.7.4.3. of the Ontario Building Code <https://www.buildingcode.online/477.html> (Plumbing Fixtures for Assembly Occupancies) which lists the number of bathrooms required per groups of occupants. It does not distinguish between indoor or outdoor occupancy loads because occupancy loads apply to the number of people using the bathrooms *inside the building*, regardless if they are seated indoor or outdoor.

While the staff report references 'a complex formula' of the Building Code for determining occupancy load, the staff report does not provide reference to these sections. The Building Code only applies to interiors of a building except Section 3.7.4.3. Unless staff can provide how these 'complex formulas' limit occupancy load of a patio, the zoning by-law will be appealed because impacts on neighbouring communities is not being considered.

I would appreciate if staff could describe how the Building Code would limit the capacity load of a patio at the Public Participation Meeting.

In truth, the number of bathrooms will determine the size of the patio. An establishment only needs to expand its bathroom capacity to expand its patio capacity.

The staff report was so obscure (intentionally I suspect because they know Council will rubber stamp it) that it took several phone calls to several staff to clarify the section describing 'Capacity' and its obscure reference to 'complex formulas'.

Equally obscure is the reference to "Seasonal Outdoor Patios and associated structures and appurtenances are permitted between November 16 and March 14 for thirty (30) days, but not for more than three (3) consecutive days." **What does this mean, that a patio can only operate for three days at a time between November 16 and March 14 such as the weekends? This is correct?**

While some would reasonably assume that the physical restraints of the properties would determine the size of patios, owners can extend patios into private parking lots. BeerTown Public House near Masonville Mall expanded its patio onto the private parking lot. Staff and patrons need to cross a vehicle right-of-way each time they move between the patio and the building. **Please see attached photos. The Building Code would not apply in a situation such as this? Correct?**

In real terms, The Ceeps, which currently can seat over 100 on its patio, could expand its patio across its parking lot to a capacity of easily a thousand people, as long as they had the required bathrooms for a 1000 people.

Correct?

The only restrictions on patio extensions is if the patio occupies public space such as a sidewalk or street. Those permits will be decided case by case.

Lastly, by-law enforcement states that patios into parking lots is a climate emergency mitigating action because it displaces cars, but it fails to assess the increase of passenger vehicles used to travel to and from a patio. It also fails to assess the volume of fossil fuels needed to heat a patio in the winter. The Climate Emergency Action Plan is being used to greenwash unpopular policy, and dismissed when opportunities arise to make significant inroads on climate policy.

The irony of such blatant greenwashing is not lost on the public, and I suspect Councillors that persistently block climate action when it counts will hail this false premise as heroic .

Thank You

AnnaMaria Valastro

North Talbot Community



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