



**City of Kingston
Report to Council
Report Number 21-109**

To: Mayor and Members of Council
From: Peter Huigenbos, Commissioner, Business, Environment & Projects
Resource Staff: Julie Salter-Keane, Manager, Climate Leadership Division
Date of Meeting: March 23, 2021
Subject: Motion - By-Law to Prohibit Open Doors and Windows When Air Conditioning Operating - Update

Council Strategic Plan Alignment:

Theme: 1. Demonstrate leadership on climate action

Goal: See above

Executive Summary:

On August 13, 2019, Council passed a [motion](#) to direct staff to prepare a by-law to prohibit open doors and windows when air conditioning is in operation, to be passed in Q2, 2020; and requested By-Law Officers to more aggressively enforce both the Anti-idling By-Law and, if passed, the future by-law to discourage open doors and windows when air conditioning is in operation.

Public and stakeholder engagement for a proposed by-law was undertaken prior to the pandemic between November 2019 and January 2020. As the affected businesses of this policy were dealing with various forms of alternative service delivery during the pandemic, staff deferred preparing a by-law in 2020.

This report presents the results of the public and stakeholder consultation undertaken prior to the pandemic. Due to the continuing limitations to service delivery for the businesses as the result of the pandemic, staff recommend further deferral of the preparation of the by-law in 2021. Staff will engage again with businesses and the public in either late 2021 or early 2022 and will bring forth a proposed by-law for consideration of Council in Q2 2022.

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Recommendation:

That Council direct staff to further defer the preparation of a by-law to prohibit open doors and windows when air conditioning is in operation until Q2 2022.

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Options/Discussion:

On August 13, 2019, Council endorsed the following motion:

Whereas the City of Kingston has established a goal of greater sustainability, recently declaring a Climate Emergency and naming carbon reduction as a Council Priority; and

Whereas there are many properties, particularly commercial, that leave their doors or windows open while their air conditioning is operating, which some Kingston residents have complained about; and

Whereas buildings and their energy systems (heating and cooling) account for a substantial portion of community greenhouse gas emissions, and energy conservation and efficiencies contribute directly and significantly to reducing carbon pollution; and

Whereas there is already an Anti-idling By-Law, albeit not strictly enforced and largely ignored by Tour Buses and others;

Therefore Be It Resolved that staff be requested to prepare a By-Law to prohibit open doors and windows when air conditioning is in operation, to be passed in Q2, 2020; and

That By-Law Officers be requested to more aggressively enforce both the Anti-idling By-Law and, if passed, the future By-Law to discourage open doors and windows when air conditioning is in operation.

Public and Stakeholder Consultation

In November 2019, staff launched the Get Involved project page regarding a proposed by-law to prohibit open doors and windows when air conditioning is in operation. The Get Involved page received nine hundred and fifty-eight (958) visits, with twenty-nine (29) survey submissions from business representatives and ten (10) Q&A submissions from both business representatives and members of the public. The complete "What We Heard" report is included in Exhibit A.

Staff presented an overview of the public consultation opportunities at the Downtown Business Improvement Association's Annual General Meeting in November 2019. Following this, coffee chats were held at the Sustainable Kingston and the Chamber of Commerce offices in November and December of 2019. These coffee chats gave business representatives the opportunity to consult with staff, voice their questions and concerns and complete the survey which was designed to collect feedback regarding a proposed by-law.

The majority of respondents (69%) indicated that this proposed by-law may impact the success of their business, pointing to the barriers already being faced by brick and mortar stores in the era of online shopping. In particular, comments concerning walk-in traffic and a store's ability to attract customers without their doors being open were expressed.

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Many restaurants have outside patios, which require servers to carry food and beverages from an indoor kitchen to serve these spaces. Requiring doors linking indoor seating areas to outside patios being closed would create a significant barrier for servers carrying food and beverages, and as seen over the last year throughout the pandemic, these outside patios are integral to restaurants operations.

There were concerns regarding health and safety in commercial bakeries due to the operation of industrial ovens and appliances. While operating these appliances, significant heat production could create unsafe work conditions if air-conditioning systems could not be operated.

Finally, from the feedback staff received from retail business representatives, there were cases where due to the volume of foot-traffic entering and exiting certain retail business establishments, regulations requiring these businesses to keep their doors closed would render little benefit in terms of energy savings.

Review of Other Jurisdictions

Several jurisdictions have policies in place to discourage the practice of leaving external doors and windows open while air conditioning and, in some cases, while heating systems are in operations.

The only similar regulation in North America is New York City's prohibition, known as the [Shut the Front Door Campaign](#). Their City law, which is aimed at protecting the environment, is promoted and enforced by the Department of Consumer Affairs, and requires certain businesses to close their doors and windows while air conditioning is running. The law requires applicable businesses to display a sign indicating their compliance with the law, and exempts certain businesses, such as restaurants with outdoor patios, during the time servers are actively engaged in serving these spaces.

There are other examples of voluntary programs in both the United States and the United Kingdom aimed at discouraging this practice and bringing positive attention to businesses choosing to operate more sustainably. In Santa Cruz, California, their climate action network has collaborated with a non-government organization to motivate local stores to close their doors while air-conditioning is operating. Known as [Keep it Cool](#), they take a positive approach, asking shoppers to notify them of open doors, and once a business has committed to keeping their doors closed they place a pin on the campaign map promoting the business as more sustainable.

Finally, [Close the Door](#), a national campaign in the United Kingdom (UK), focuses not only on closing doors while air-conditioning is running, but also during colder temperatures when heat expenditures result in wasted energy. Also voluntary, this campaign has grown across the UK in various cities.

Staff recommend that the preparation of a Kingston by-law to prohibit open doors and windows when air conditioning is in operation be further deferred to 2022. This will allow staff to re-engage with businesses and the public at a time when it is assumed that most restrictions due

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to the pandemic will be removed or significantly lessened. After the re-engagement staff will bring a recommendation, or potentially options, to Council regarding a by-law, taking into account the feedback received and the review of other jurisdictions as noted above.

Existing Policy/By-Law:

None

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Julie Salter-Keane, Manager, Climate Leadership Division 613-546-4291 extension 1163

Other City of Kingston Staff Consulted:

Lisa Capener-Hunt, Director, Building & Enforcement

Exhibits Attached:

Exhibit A - What We Heard Report

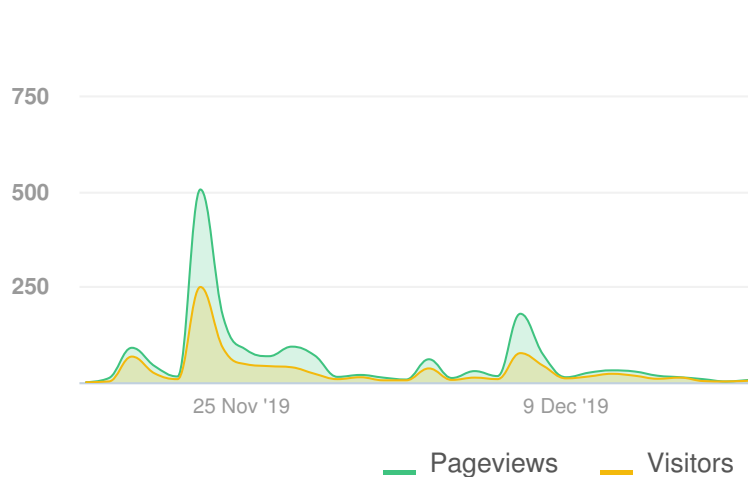
Project Report

17 November 2019 - 16 December 2019

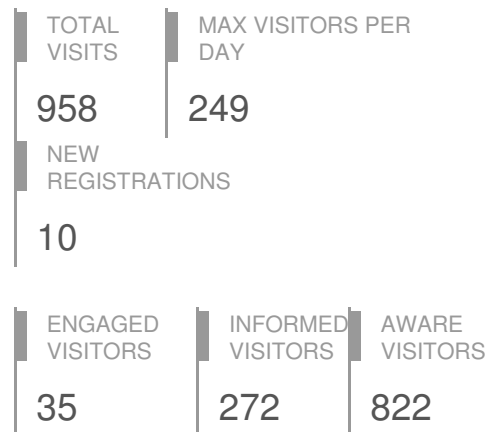
Get Involved Kingston Open Door Air-Conditioning Bylaw



Visitors Summary

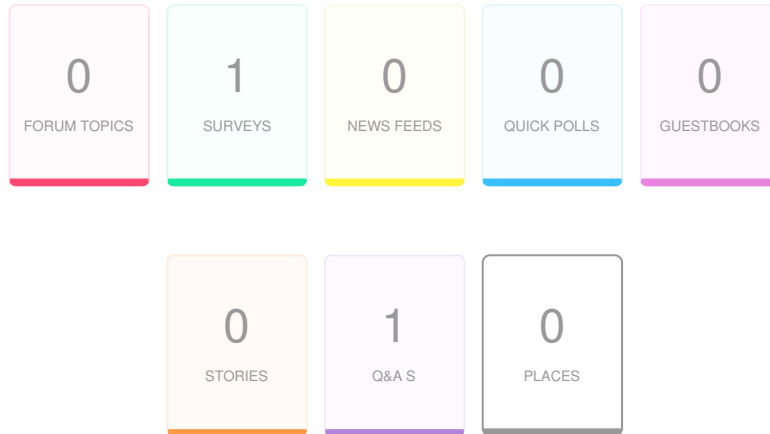


Highlights



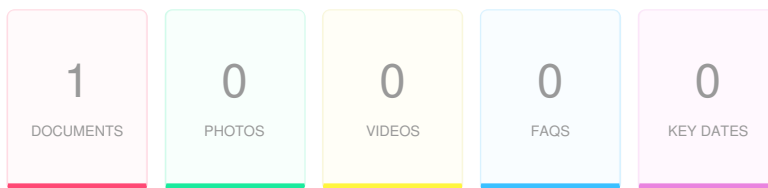
Aware Participants		Engaged Participants	
	822		35
Aware Actions Performed	Participants	Engaged Actions Performed	Registered Unverified Anonymous
Visited a Project or Tool Page	822		
Informed Participants	272	Contributed on Forums	0 0 0
Informed Actions Performed	Participants	Participated in Surveys	26 0 0
Viewed a video	0	Contributed to Newsfeeds	0 0 0
Viewed a photo	0	Participated in Quick Polls	0 0 0
Downloaded a document	17	Posted on Guestbooks	0 0 0
Visited the Key Dates page	35	Contributed to Stories	0 0 0
Visited an FAQ list Page	0	Asked Questions	9 0 0
Visited Instagram Page	0	Placed Pins on Places	0 0 0
Visited Multiple Project Pages	191	Contributed to Ideas	0 0 0
Contributed to a tool (engaged)	35		

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Qanda	Q&A	Published	49	9	0	0
Survey Tool	Business Owner Survey	Archived	152	26	0	0

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Key Dates	Key Date	35	36
Document	Frequently Asked Questions	17	28
Document	deleted document from	2	10

QANDA

Q&A

VISITORS 49	CONTRIBUTORS 9	CONTRIBUTIONS 10
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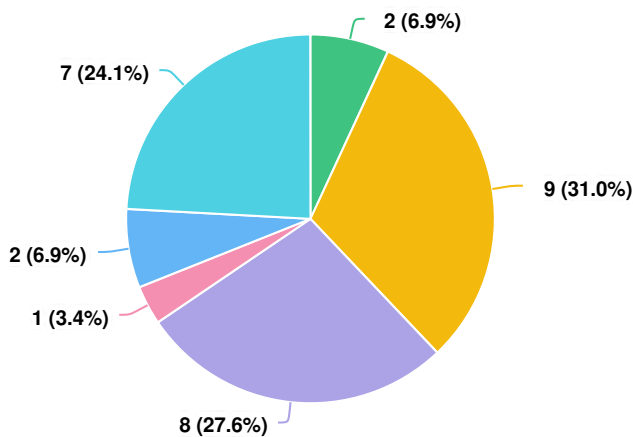
No Responses

ENGAGEMENT TOOL: SURVEY TOOL

Business Owner Survey

VISITORS	152	CONTRIBUTORS	26	CONTRIBUTIONS	30
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Do you keep the exterior doors or windows of your business open while an air-conditioning system is operating?

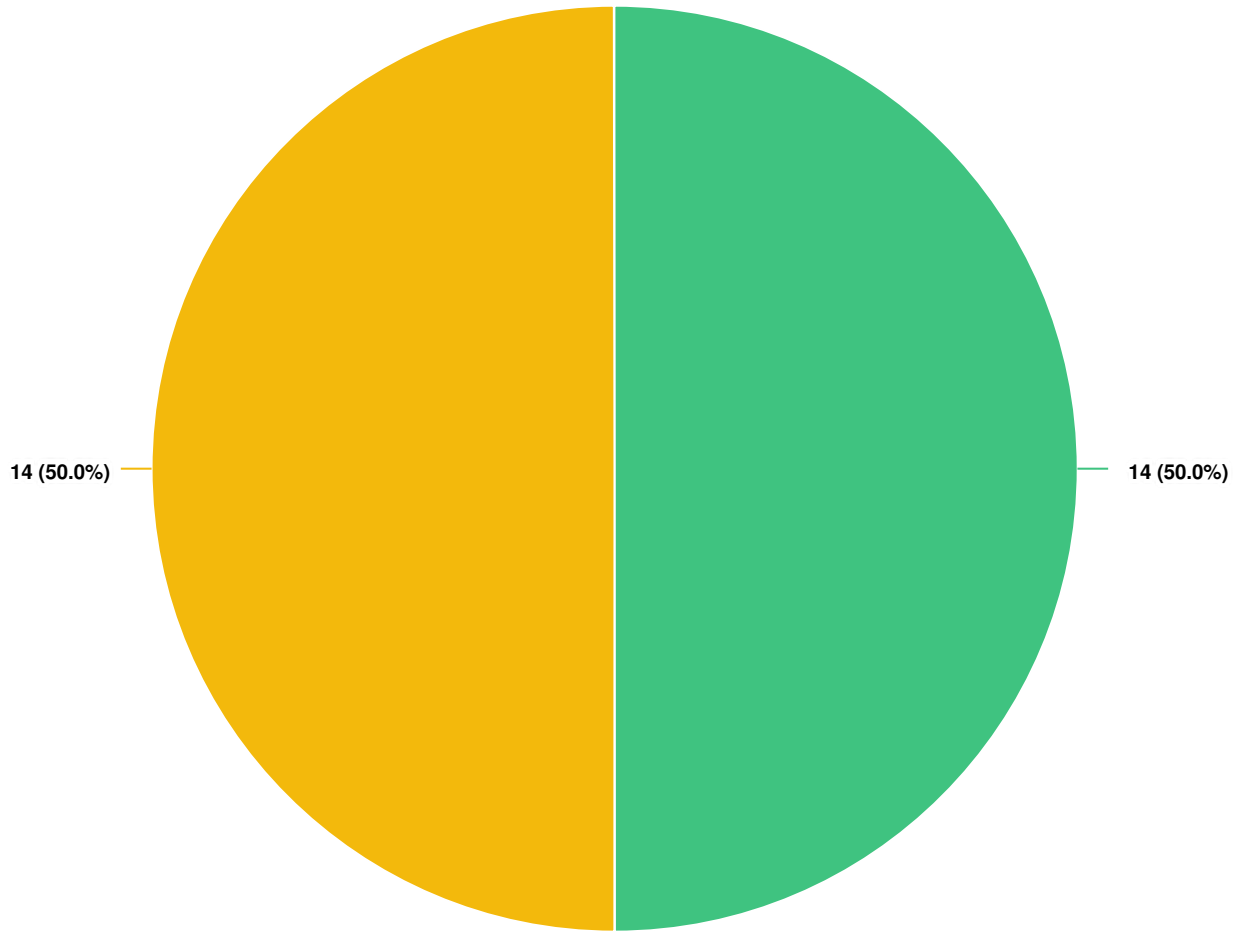


Question options

- Always
- Very frequently
- Occasionally
- Rarely
- Very rarely
- Never

(29 responses, 0 skipped)

Which is more likely?

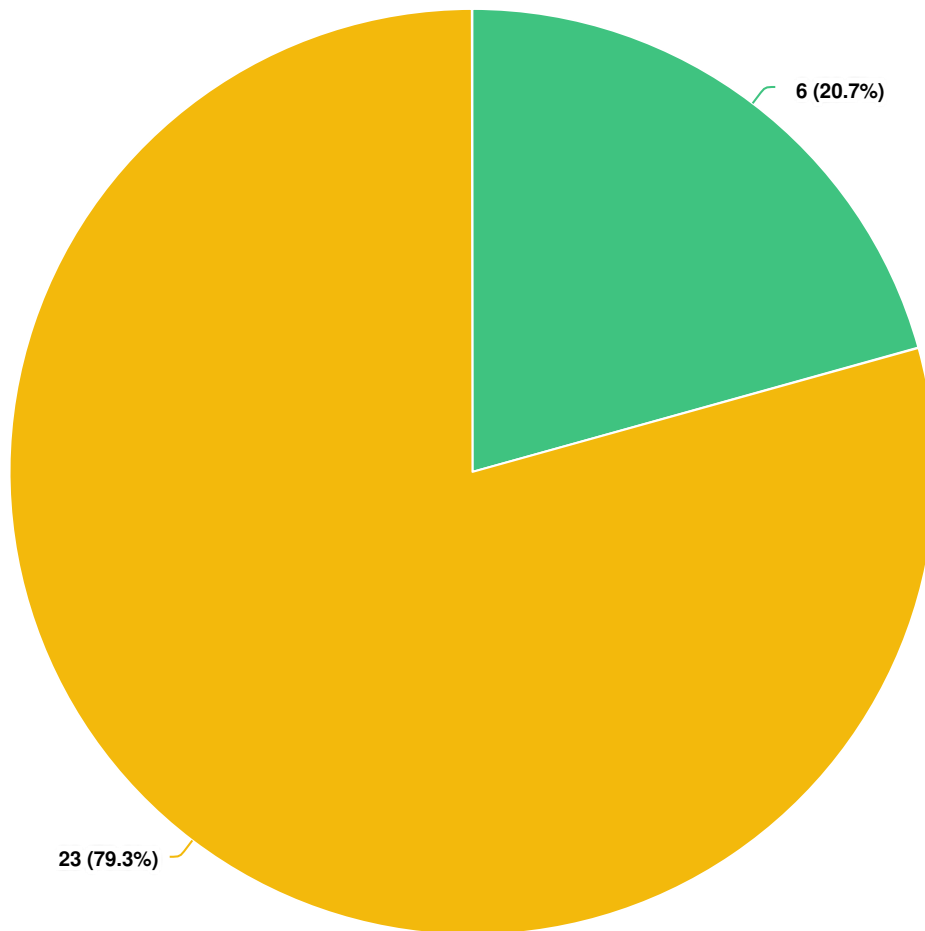


Question options

- I would keep my exterior doors/windows open while your air-conditioning system is off.
- I would close my exterior doors/windows while keeping your air-conditioning system operating.

Optional question (28 responses, 1 skipped)

Do you have a garage-style door that opens, exposing a large portion of your storefront?

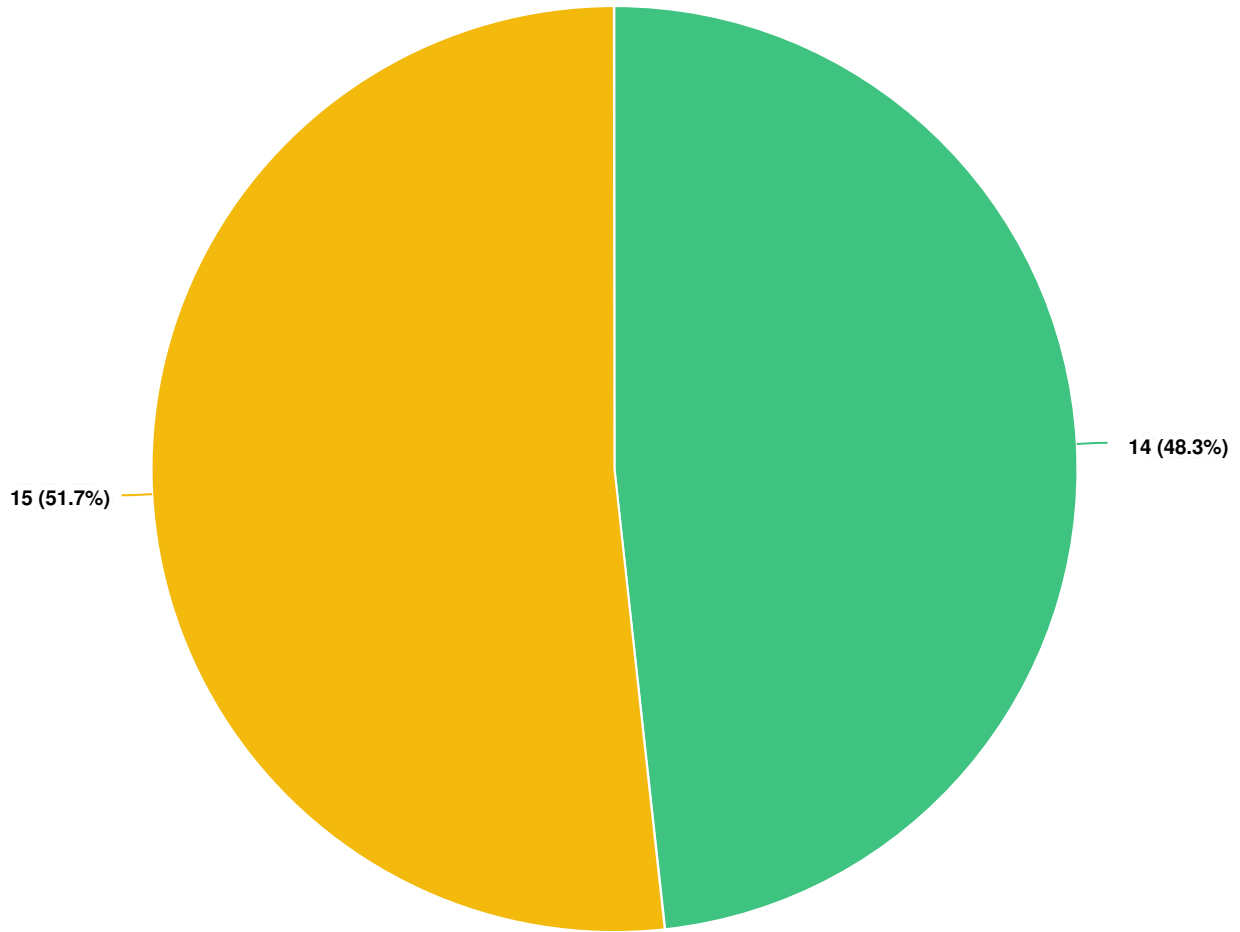


Question options

- Yes
- No

Optional question (29 responses, 0 skipped)

Does your business have a kitchen?

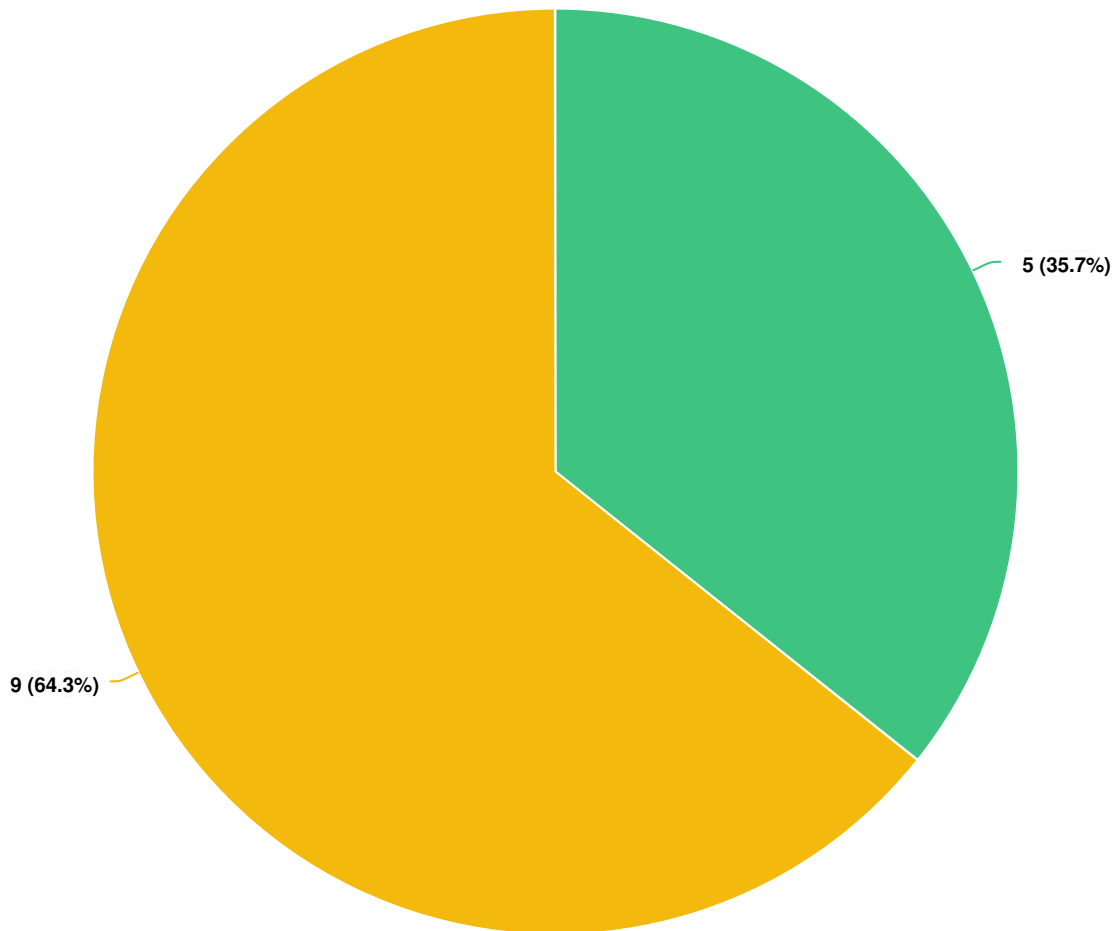


Question options

- Yes
- No

Optional question (29 responses, 0 skipped)

Is your kitchen separated so you could keep the internal temperature at a moderate level while keeping the exterior doors/windows open without an air-conditioning system in operation?

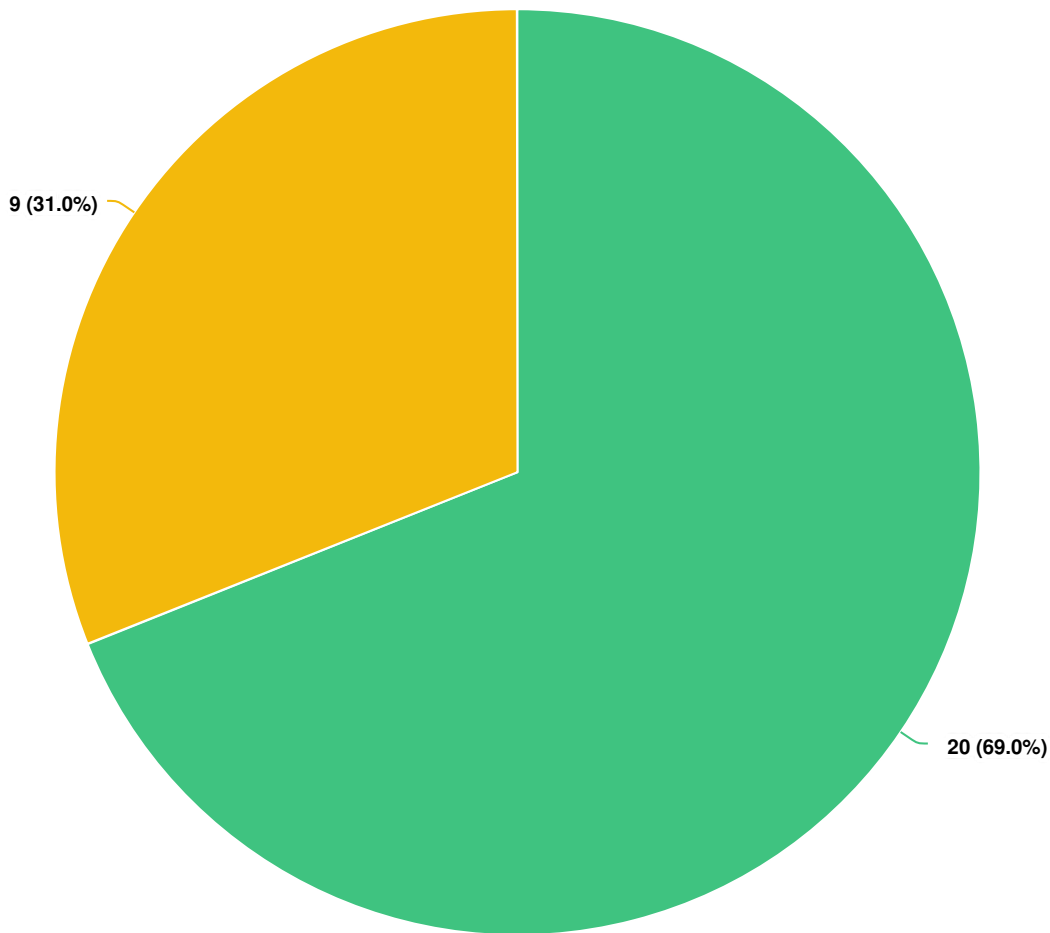


Question options

- Yes
- No

(14 responses, 15 skipped)

Are you concerned that this bylaw may impact the success of your business?



Question options

- Yes
- No

(29 responses, 0 skipped)