

Extension of Temporary Asphalt Parking Patio Program

ISSUE

Council Policy C09-013 – Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy permits on-street parking stalls to be used by a restaurant for the purpose of operating a parking patio. The Policy directs that parking patios be subject to further regulations outlined in the Sidewalk Cafe and Parking Patio Guidelines. During the COVID-19 pandemic, City Council adopted the Temporary Asphalt Parking Patio Program to support businesses to provide additional outdoor seating options that did not require construction of a deck or boardwalk. Should the Temporary Asphalt Parking Patio Program be extended?

RECOMMENDATION

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that the Temporary Asphalt Patio Program be reinstated from April 1, 2022 until October 31, 2022.

BACKGROUND

At its Regular Business Meeting held on June 29, 2020, in response to the COVID-19 pandemic, City Council adopted several resolutions aimed at making parking patios more financially viable for businesses, including waiving parking fees and permitting parking patios to operate year-round in 2020 and 2021. City Council resolved, in part:

“That Administration work with any interested Business Improvement Districts, to allow permanent asphalt parking patios for all store front businesses that request it, until September 15, 2020, subject to administrative guidelines.”

In 2020, under the Temporary Asphalt Parking Patio Program, businesses were permitted to provide a seating area, retail space or other extension of their licensed commercial business on the sidewalk with a pedestrian pathway in the parking lane. The pedestrian pathway was permitted directly on the asphalt surface with access ramps and jersey barriers provided by the business and placed to protect the pathway.

At its meeting on April 12, 2021, the Standing Policy Committee on Planning, Development and Community Services received a request from a group of business organizations seeking to reinstate the Temporary Asphalt Parking Patio Program. The request was subsequently approved by City Council to extend the temporary program for another year.

At its meeting on September 13, 2021, the Standing Policy Committee on Planning, Development and Community Services resolved:

“That the Administration report on options for the asphalt patios prior to the spring of 2022.”

This report addresses this resolution.

DISCUSSION/ANALYSIS

Stakeholder Involvement

A survey was distributed to all parking patio operators to gauge the success of the temporary program. Three businesses participated. Operators differed on whether asphalt parking patios should be a permanent program, or only temporarily available to businesses as a means to pilot a parking patio before committing to a deck or boardwalk. When asked about aesthetics, one business indicated that there are opportunities to enhance aesthetics to add vibrancy, such as painting jersey barriers, while other businesses felt no additional regulations or requirements are necessary. The survey also asked businesses about the configuration of seating areas in the curb lane. One business commented that seating areas for patios are much safer on the sidewalk as opposed to being located in the curb lane, while others felt that seating in the curb lane with a deck was optimal for the business and supported pedestrian accessibility.

Business Improvement Districts (BIDs) were also invited to provide input on a possible permanent program. Downtown YXE, and the Broadway, Riversdale and Sutherland BIDs are in support of the Asphalt Parking Patio Program in principle.

Concerns were raised regarding aesthetics and whether it is optimal to operate the program on a temporary basis to encourage businesses to make long term investments in decks and boardwalks.

All four BIDs would prefer the pilot program be extended for another year and the details of a permanent program be determined once businesses have recovered from the pandemic. The Riversdale BID also noted that street sweeping, cleanliness and perceptions of safety including panhandling and needles continued to be barriers to participate in the program. Some BIDs have expressed interest in submitting more detailed comments to committee.

Municipal Scan:

A municipal scan of nine municipalities in Canada was completed (see Appendix 1). Municipalities across Canada have had to adjust their programs to accommodate businesses during the COVID-19 pandemic. The following themes emerged:

1. Approaches vary significantly.
2. Most municipalities adopted temporary programs during the pandemic and are currently reviewing regulations for permanent programs. Only four municipalities had permanent programs that were not under review.
3. Inclusive of both permanent and temporary programs, three municipalities permit pedestrian traffic to be diverted onto the asphalt. All other municipalities required a boardwalk to be constructed or a sidewalk to remain open for pedestrians.
4. Four municipalities regulate aesthetics.

5. Five municipalities do not regulate aesthetics. Despite this, business owners appear to be investing in high quality infrastructure such as decks or platforms for the seating areas in the curb lane.

Option 1 – Extend the Temporary Parking Patio Program

If this option is selected, the Temporary Asphalt Parking Patio Program initially adopted by City Council in 2020, and later extended in 2021, would be extended for another term from April 1, 2022 until October 31, 2022.

Administration would undertake further engagement with businesses and report back following the conclusion of the pilot program on the viability of a permanent program.

Advantages

- Allows for businesses to be more fully engaged in the development of the permanent program, following the recovery from the COVID-19 pandemic; and
- Permits businesses to utilize the materials, design and configuration of their existing temporary asphalt parking patio.

Disadvantages

- Repeated extension of the temporary program results in a continued delay in the establishment of appropriate permanent guidelines to facilitate the program and formalize the development standards.

Option 2 – Adopt a Permanent Asphalt Parking Patio Program

If this option is selected, the Sidewalk Café and Parking Patio Guidelines will be amended to provide for a permanent program to permit the seating areas of parking patios to be provided directly on the asphalt of the curb lane.

Proposed amendments to the Sidewalk Café and Parking Patio Guidelines are identified in Appendix 2. The proposed changes include amending the development standards for a parking patio to permit either a seating area on the sidewalk with a raised boardwalk in the curb lane, a seating area in the curb lane directly on the asphalt protected by jersey barriers or a seating area in the curb lane on a deck. The proposed amended guidelines would only permit pedestrian traffic to be redirected into the curb lane if a boardwalk is provided. Pedestrian pathways directly on the asphalt of the curb lane accessed by ramps was permitted as part of the temporary program but would not be permitted as part of the permanent program.

A central accessibility requirement of the program is to maintain a minimum clear pedestrian pathway of not less than 2.0 metres. When ramps are utilized, a flat-landing area of a minimum of 1.5 metres in length is required at the base for manoeuvrability. This may be possible in locations with adjacent angle parking because stalls have a greater length and provide more space to work with. However, a standard on-street parallel-parking space is only 2.4 metres wide. Standard curb ramps stipulate a maximum 8% slope and require at least 1 metre of texturing (grooving) across the lower part of the ramp for pedestrians with disabilities to detect and navigate the grades. Due

Extension of Temporary Asphalt Parking Patio Program

to accessibility challenges, pedestrian pathways directly on the asphalt of the curb lane is not recommended to be permitted as part of the permanent program.

Advantages

Appropriate permanent guidelines for asphalt patios will be established to facilitate the program and formalize the development standards.

Disadvantages

Involvement from businesses in the development of the permanent program was limited due to the COVID-19 pandemic. There may be opportunities to further improve the permanent program and increase participation from businesses, and through further discussions with the BIDs on how to balance aesthetics and quality with cost.

RATIONALE

Administration is recommending Option 1 – to extend the temporary program for an additional operating season. Businesses have advised they are still recovering from the COVID-19 pandemic. This approach will allow businesses to continue to utilize their existing patio configuration and materials without having to invest in a deck or boardwalk. This approach will allow Administration to continue to work together with businesses and BIDs to further develop the regulations for a permanent program.

FINANCIAL IMPLICATIONS

Parking patios, asphalt patios and sidewalk cafes are accessory uses to a licensed commercial business and no additional application fees are required. For parking patios, including asphalt parking patios, a parking fee, which factors in the number of parking spaces utilized and the duration of use, through the Temporary Reserve Parking Program is required. Due to the Covid-19 pandemic, City Council resolved to waive parking patio parking fees for the 2020 and 2021 operating seasons. As of January 1, 2022, the parking fees have been reinstated.

ADDITIONAL IMPLICATIONS

The City is committed to accommodating pedestrian mobility and accessibility built into overarching goals in Transportation's current policies, designs standards and guidelines. Adopted design principles align with best practices and are in place to create an environment that is accessible for people of all abilities.

In considering regulations for a permanent asphalt parking patio program, design standards ensure pedestrians of all ages and abilities are safely accommodated.

NEXT STEPS

If either option 1 or option 2 is chosen, information will be provided to stakeholders including BIDs and current parking patio operators. Program information will be updated on the website. If option 2 is selected, the Sidewalk Café and Parking Patio Guidelines provided in Appendix 2 will be uploaded to the website.

APPENDICES

1. Municipal Scan – Parking Patios
2. Sidewalk Café and Parking Patio Guidelines

REPORT APPROVAL

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