

## APPROVAL REPORT

# Guideline Amendments for Permanent Asphalt Parking Patios

### ISSUE

Council Policy C09-013 – Use of Sidewalks, Boulevards and Parking Stalls – Vending permits on-street parking stalls to be used by a restaurant, tavern or lounge for the purpose of operating a parking patio. The Policy directs that parking patios be subject to further regulations outlined in the Sidewalk Café and Parking Patio Guidelines (see Appendix 1). During COVID-19 public health emergency, City Council adopted the Temporary Asphalt Parking Patio Program to support businesses by providing additional outdoor seating options that did not require construction of a deck or boardwalk. The Temporary Asphalt Parking Patio Program ended on October 31, 2022. Should the development standards in the Sidewalk Café and Parking Patio Guidelines be amended to permit elements of the temporary asphalt parking patio program on a permanent basis?

### RECOMMENDATION

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that the amendments to the Sidewalk Café and Parking Patio Guidelines, as outlined in this report, be adopted.

### BACKGROUND

City Council at its March 28, 2022 Regular Business [Meeting](#), considered the report of the General Manager, Community Services dated March 14, 2022. The report presented two options:

- Option 1 – Extend the Temporary Parking Patio Program
- Option 2 – Adopt a Permanent Asphalt Patio Program

City Council accepted the recommendation of the Administration and resolved:

“That the Temporary Asphalt Patio Program be reinstated from April 1, 2022 until October 31, 2022.”

The report indicated that in the event City Council chose to extend the Temporary Parking Patio Program, Administration would:

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

This report addresses the matter of a permanent program.

### DISCUSSION/ANALYSIS

To support businesses during the COVID-19 public health emergency, City Council adopted the Temporary Asphalt Parking Patio Program to provide businesses with

additional, lower-cost options, to provide outdoor seating. Under the permanent program, a deck or boardwalk would be required to accommodate either a seating area or pedestrian pathway in the curb lane. From 2020 to 2022, businesses were permitted to provide a parking patio directly on the asphalt of the curb lane without constructing a deck or boardwalk. Two options for configurations were available. Businesses could either provide the seating area in the curb lane, protected by jersey barriers or provide seating on the sidewalk with the pedestrian pathway in the curb lane accessed by ramps and protected by jersey barriers.

### Proposed Amendments

Following the conclusion of the three-year pilot, Administration is recommending amendments to the Sidewalk Café and Parking Patio Guidelines to incorporate selected design elements of asphalt parking patios into the permanent program. These guidelines regulate the development standards for parking patios.

Administration is recommending removing the requirement that a deck be constructed when the seating area is in the curb lane. The removal of this requirement will permit seating to be directly in the curb lane. The seating area must be protected with jersey barriers or similar material along the driving lane and abutting the curb lane.

Due to accessibility challenges, use of pedestrian pathways directly on the asphalt of the curb lane is not recommended to be permitted as part of the permanent program. This configuration requires the use of ramps to access the pedestrian pathway. A central accessibility requirement of the program is to maintain a clear pedestrian pathway of at least 2.0 metres in width. 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, as angled 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. In addition, in accordance with Policy C07-030 (Street Design Policy) and the City's Design and Development Standards Manual, 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.

### Stakeholder Involvement

Engagement was conducted in two phases. In the first phase, in 2022, a survey was distributed to all businesses who have operated a parking patio in the past five years, with three businesses participating. In the second phase, in 2023, the same group of business owners were invited to complete the survey again to provide any updates to their comments following the additional year of operation under the temporary regulations. One business provided updated comments.

Businesses were supportive of the temporary program and maintaining the relaxed standards associated with it. There was support for allowing ramps onto a curb lane instead of requiring a boardwalk. Businesses were also in favour of allowing seating directly on asphalt but were generally not in favour of implementing a time-limit before a

business was required to install a deck or boardwalk, preferring that the asphalt patio configuration be permanently available.

Engagement was conducted with Business Improvement Districts (BIDs) throughout both phases. The Broadway, Downtown, Riversdale and Sutherland BIDs participated. All four BIDs advised they are supportive in principle of including elements of asphalt parking patios in the permanent program, as it provides a less-costly option for business owners to provide outdoor seating. In addition, it was felt this could result in more businesses participating in the program, as businesses could conduct their own pilot to demonstrate viability before committing to constructing a more costly deck or boardwalk. They also advised they wished to see additional consideration for permitting pedestrian pathways in the curb lane to be accessed by ramps and to not require a boardwalk, as was permitted under the Temporary Asphalt Parking Patio Program. This configuration provides many advantages for businesses by permitting seating on the sidewalk and closer to the business, including the customer experience, operational efficiency with service of food and drinks, and overall continuity.

While the consensus of the group is that permanent asphalt parking patios are appropriate at this time, the program should continue to be monitored. The BIDs also felt that there may be merit in considering a three-year pilot period in the future, to encourage businesses to transition to deck and boardwalk construction in the long term.

### Municipal Scan

A municipal scan of nine municipalities in Canada is included in Appendix 2. Municipalities across Canada adjusted their parking patio programs to accommodate businesses during the COVID-19 public health emergency. The key findings were that most municipalities have since updated their regulations from the relaxed standards permitted during the public health emergency. Of the nine municipalities surveyed, five permit seating areas in the curb lane without a deck, and only one permitted pedestrian traffic to be diverted to the curb lane without a boardwalk.

### **FINANCIAL IMPLICATIONS**

There are no financial implications identified. No changes are proposed to the parking fees for parking patios. Parking fees are the same regardless of whether a deck or boardwalk is constructed or if seating is provided directly on the asphalt.

### **OTHER IMPLICATIONS**

The City is committed to accommodating pedestrian mobility and accessibility built into overarching goals in the Transportation Department's current policies, design 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 the proposed amendments are adopted by City Council, the amended Sidewalk Café and Parking Patio Guidelines will come into force immediately and be published on the City's website. Information will be provided to stakeholders, including BIDs and parking patio operators.

**APPENDICES**

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

**REPORT APPROVAL**

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