

Request for Decision

Downtown Sudbury Patio Pilot Program Update

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date Wednesday, Apr 22, 2015

Type: Managers' Reports

Recommendation

THAT the City of Greater Sudbury approves the Downtown Sudbury Business Improvement Area Association's request to make the full sidewalk patio pilot program a permanent program;

AND THAT staff be directed to prepare an amendment to By-Law 2011-218 to allow for full sidewalk patios based on the considerations outlined in this report;

AND FURTHER THAT the City implements an incremental fee structure as proposed by the Downtown Sudbury Business Improvement Area Association, and amend By-Law 2011-218 accordingly.

Finance Implications

If approved, the City would implement a gradual escalating payment fee structure for these patios with the first year waiving 100% of the fees. Any road occupancy permit fees or building permit fees would continue to be charged.

Background

The *Downtown Master Plan and Action Strategy* defines downtowns as “the historic and symbolic heart of a community, the reflection of a city’s image, pride and prosperity. They are the meeting place for the entire city, where all types of different people come together to celebrate and share common experiences. A healthy, active, successful downtown makes a positive statement about the prosperity of a city, sending a confident message to future residents, businesses and investors.” As expressed through the master plan, the City’s vision for the Downtown is a “renewed and re-energized Downtown that has become a confident advertisement to the world about the city’s rich offer.”

On January 20, 2014 the Downtown Sudbury Business Improvement Area (BIA) and representatives from Peddler’s Pub at 63 Cedar Street presented to Operations Committee and requested that a new type of patio be allowed at this establishment on a pilot basis. The new type of patio, which exists in other municipalities, involves the occupation of the entire sidewalk adjacent to the business establishment and the

Signed By

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Division Review

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Recommended by the Department

Paul Baskcomb
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Recommended by the C.A.O.

Kevin Fowke
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construction of a replacement sidewalk around the patio area in the travelled portion of the municipal right-of-way. These replacement sidewalks typically occupy on-street parking spaces. At this meeting, the Operations Committee expressed support for a pilot project at 63 Cedar Street.

Peddler's Pub, Downtown Sudbury BIA and City staff worked together to implement the pilot at 63 Cedar. This involved the establishment of application requirements and the creation of a new application and approval process. This process was modeled after the City of Barrie precedent.

As part of this process, Peddler's Pub was required to submit engineering drawings for the replacement sidewalk and meet various conditions as part of the approval (e.g. patio allowed from May 1st to October 15, patio will operate during normal business hours, maintain appropriate levels of insurance, etc). A key element of this process was public consultation. The applicant was required to consult with owners and tenants within a 60 metre radius of the establishment and provide evidence of the consultation to the City. This ensured that neighbours were aware of, and had the opportunity to provide feedback on, the proposal.

The application was approved in May, 2014. The full sidewalk patio at Peddler's Pub officially opened in June, 2014. In a subsequent meeting, on July 7, 2014, the Operations Committee expressed support to include the Townhouse Tavern at 206 Elgin and Frank's Delicatessen at 112 Durham street in the Downtown Patio Pilot Program. Both businesses did not build their respective full sidewalk patios in 2014.

Purpose:

This report discusses the Downtown Sudbury BIA's request to change the status of the full sidewalk patio program from a pilot to a permanent program. The report also discusses the BIA's request to implement an incremental fee program for the full sidewalk patios.

Discussion:

On April 9, 2015, the Downtown Sudbury BIA Board passed the following resolution:

"15-11

WHEREAS the extended sidewalk patio 'Pilot Project' was very successful in 2014, generating very positive feedback from the public, businesses and media, including the need for more of this type of patio, including from a number of Downtown Sudbury BIA members;

AND WHEREAS this project fits with the philosophy and goals of the Downtown Master Plan ... *to transform the core into an active, safe and diverse destination for people, businesses, not-for-profits, agencies and new investments in all forms*;

BE IT THEREFORE RESOLVED THAT the City be requested to eliminate the 'Pilot' designation and to make the extended patio program permanent;

AND FURTHER THAT this be done in conjunction with a resolution to aggressively seek better parking solutions in the downtown."

The BIA staff canvassed downtown merchants for their thoughts and suggestions on the full sidewalk patio program. Responses to the member survey were generally very positive. For example, 89% of the 9 respondents viewed the addition of the full sidewalk patio pilot as positive.

Analysis

From Pilot to Permanent Program

Existing sidewalk cafés are regulated under By-Law 2011-218 (A By-law of the City of Greater Sudbury to Regulate Road Occupancy Including Road Cuts, Temporary Closures and Sidewalk Cafes). Under this by-law, applicants are required to submit sketches of the proposal and to demonstrate insurance coverage. The By-law also establishes the permitting regime, enforcement, the term of sidewalk cafés (May 1 to September 30), and the collection of fees (via the City's Miscellaneous User Fees By-Law).

City staff supports the concept of the full sidewalk patio subject to the following considerations:

- that applicants for a full sidewalk patio be required to submit a design of the alternate pedestrian walkway. The design shall be prepared, signed and sealed by a professional structural engineer;
- that the alternative pedestrian walkway be at least 2.4 metres in width to allow for regular sidewalk maintenance (e.g. sweeping);
- that full sidewalk patios not be permitted on Elm Street;
- that the term of operations be changed from from "May 1 to September 30" to "May 1 to October 15".

Such an amendment would enjoy the full framework of the existing by-law and would not further burden the City with new regulation (e.g. the creation of a new, separate by-law). Indeed, the proposed amendment would establish a few extra requirements where and when a sidewalk café proposes to occupy the full width of the sidewalk.

The full sidewalk patio pilot program has generated positive reviews and has added to the vitality of the Downtown. The City has not received any complaints with regards to safety, cleanliness, noise, etc, associated with the patio experience in 2014.

The full sidewalk patio program is consistent with the broad goals of the official plan, and with the vision outlined in the *Downtown Master Plan and Action Strategy*.

An amendment to By-law 2011-218 to enable full sidewalk patios is recommended by City staff.

Fees

The BIA further requested (April 9, 2015 correspondence) that "all fees (except for the Road Occupancy Permit fee) continue to be waived to allow applicants to recoup some of their significant investment and that a gradual escalating payment fee structure be considered thereafter."

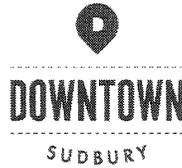
Fees associated with By-law 2011-218 (A By-law of the City of Greater Sudbury to Regulate Road Occupancy Including Road Cuts, Temporary Closures and Sidewalk Cafes) include, but are not limited to, the cost of the road occupancy permit (\$36) and the sidewalk lease rate (\$1.50 per m² per month). The cost of parking spaces is another fee associated with the full sidewalk patio. For example, the patio at 63 Cedar occupied two parking spaces. The cost of occupying one parking space for road occupancy purposes is \$13/day. The City's revenue for one parking space during the 2015 patio season would be \$1,560 (calculated at \$13/day for 120 days - May 1 to October 15, 2015 - excluding weekends).

The Downtown BIA has suggested a "gradual escalating payment fee structure" be implemented for the full sidewalk patio program. City staff have no objection to this proposal. The City could forego revenues from associated fees and parking from either a business specific perspective, or from a program specific perspective. Staff recommend waiving fees from a business perspective over a four-year period.

Under this proposal, the City would waive all fees in the first year of the business' full sidewalk patio project, save and except any applicable fees associated with CGS Building Services. The City would then waive 75% of the fees in year two, 50% of the fees in year three and 25% of the fees in year four.

Summary and Recommendation:

The City should direct staff to amend By-Law 2011-218 to provide for full sidewalk patios, and to implement a gradual fee structure, on the terms set out in this report. Doing so would be consistent with the vision of the Downtown Master Plan and goals of the City's official plan.



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Via email

April 10, 2015

Operations Committee
City of Greater Sudbury

RE: EXTENDED SIDEWALK PATIO PROJECT

As you are aware, a 'pilot' project for the 'extended sidewalk patio' was undertaken in 2014 with Mr. Dennis Gainer, at Peddlers Pub on Cedar St. This was based on the very successful program operating in Downtown Barrie.

The project was very successful in spite of the cool and wet season last year. Attached you will see comments and feedback received from the general public (through our Downtown Sudbury Facebook page), as well as a summary of feedback received from neighbouring businesses to Peddlers Pub. In addition, there was interest from two (2) additional businesses in 2014 to participate in this project (and approval received from the Operations Committee to extend the 'Pilot' Project to include these two requests). Unfortunately, due to timing and cost they were not able to undertake the project last year – but – at least one will be making application this year.

In addition, to ensure continuity in the aesthetic look of this program, 'Downtown Sudbury' BIA purchased the engineering drawings that were used by Peddlers Pub and will become a standard requirement for future patios.

You will see that comments/feedback has been very positive from both BIA members and the general public, with the hope that there will be more patios this summer:

- the general public ... would love to see more such patios as it creates the 'ambiance' they are looking for in downtown (this feedback has been received through numerous social media postings as well as one-on-one discussions)
- economic impact ... many neighbouring businesses have indicated that their sales increased when the patio opened and that they have gained new customers/walk-in traffic
- Peddlers has indicated that, while slow to start (due to weather), the project was very successful. They in fact received reservations from various groups/businesses that have not been downtown in a long time.

In addition, this project supports the intentions of the Downtown Master Plan– to *'transform the core into an active, safe and diverse destination for people, businesses, non-for-profits, agencies and investments in all forms'*, as well as *creating a destination attraction.*

...2

As a result the Board of Directors of 'Downtown Sudbury' BIA respectfully request that the 'Pilot' be removed from this project and that the Extended Sidewalk Patio Program become permanent, as per the following resolution passed at the April 9th meeting of the Board:

15-11

WHEREAS the extended sidewalk patio 'Pilot Project' was very successful in 2014, generating very positive feedback from the public, businesses and media, including the need for more of this type of patio, including from a number of Downtown Sudbury BIA members;

AND WHEREAS this project fits with the philosophy and goals of the Downtown Master Plan ... *to transform the core into an active, safe and diverse destination for people, businesses, not-for-profits, agencies and new investments in all forms*;

BE IT THEREFORE RESOLVED THAT the City be requested to eliminate the 'Pilot' designation and to make the extended patio program permanent;

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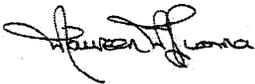
CARRIED

We would also request that all fees (except for the Road Occupancy Permit fee) continue to be waived to allow applicants to recoup some of their significant investment and that a gradual escalating payment fee structure be considered thereafter.

'Downtown Sudbury' BIA will continue to work with proponents through their application process, assisting with concerns raised and, as this is a new program, recommending any changes that may be required as it moves forward.

Thank you for your support to this project and your consideration to the request to make the Extended Patio Program permanent.

Yours truly,

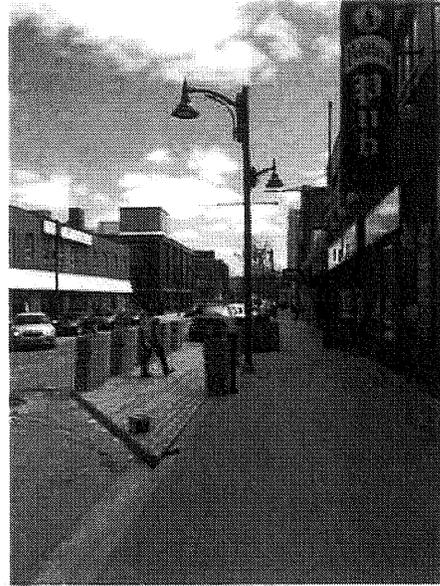


Maureen M. Luoma
Executive Director

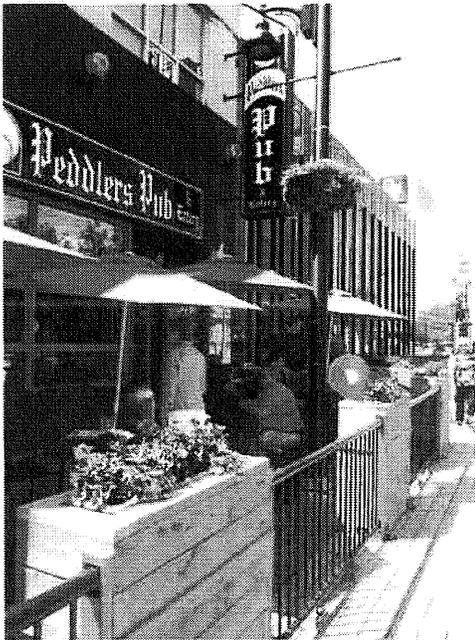
Att.

**FULL EXTENDED PATIO ... 'PILOT' PROJECT 2014
PEDDLERS PUB (Cedar St.)**

UNDER CONSTRUCTION ...



UP & RUNNING ...





Member Input

As you may recall the summer of 2014 saw the introduction of a Full Sidewalk Patio courtesy of, Peddler's Pub to the streetscape of Downtown Sudbury. Similar versions of the full sidewalk patio have met with success in other parts of the province and we are hoping to build on that success locally.

Despite setbacks with weather the pilot project with Peddler's Pub gained a foot hold in the Downtown scene with the pub, the public and other establishments now wishing to move forward with similar endeavours in 2015.

At this time we would like to gather some input from Downtown Businesses on their thoughts/suggestions on the Full Sidewalk Patio Project as we embark on the 2015 Full Sidewalk Patio season.

*** This survey was conducted with 9 businesses in the immediate block/area of the Full Sidewalk Patio and reflects their views**

1. Would you view the addition of the Full Sidewalk Patio as positive?

89% - Positive (8)

11% - Negative (1)

2. Any concerns/issues about the loss of on-street parking because of the patio?

44% - No Concerns (4)

56% - Concerns (5)

Of the responses having a concern with loss of parking the comments were more general in nature then specifically directed at the patio program.

* The loss of parking is bad, but the beautiful patio makes up for that

* Parking Downtown is always terrible

* Parking is a definite concern for us with any space lost compounding the issue

* Parking Downtown is always a source of complaint with customers hence the need for a multi-level parking facility

3. Did you experience any changes to maintenance and litter pick-up as a result of the patio?

100 % - No Issues (9)

4. Was there any concerns regarding the safety for vehicles and pedestrians because of the patio?

89% - No Concerns (8)

11% - No Response (1)

5. Did you receive any customer feedback regarding the Full Sidewalk Patio?

56% - No Feedback Received (5)

11% - Wished we had a patio as well (1)

22% - Complaints regarding parking (2)

11% - No Response (1)

6. Any additional comments you would like to add?

* There should be more full sidewalk patios.

* Great Job

* I Love the vibe of outdoor patios...Great Addition to the Downtown

* Super nice patio, great to meet friends after work