

Sidewalk Patio Expansion Program

Community Engagement Summary



Introduction

The District of Oak Bay (the District) is developing a new patio permitting system and process to regulate the use of public space (sidewalks and parking spaces) for use by liquor and food service establishments. This project is called the Sidewalk Patio Expansion Program (SPEP).

In May 2020, the Province introduced a Temporary Expansion Service Area (TESA) to allow licensed “food primary” establishments to serve customers on public property while complying with pandemic-related health orders and requiring local government approval.

To support the Province’s initiative, the District developed Temporary Sidewalk and Parking Stall Patio permits under the existing Street Occupancy Permit process to let food and liquor establishments expand onto sidewalks and roads. The TESA permits and the temporary Oak Bay approvals will expire on March 31, 2023.

In June 2021, Council directed District staff to develop a permanent patio approval process to replace the temporary process. It became part of Council’s Strategic Priority projects.



Public Engagement

Given that public space patios are new to Oak Bay, public engagement has been a critical part of the process. Through the engagement process, the District gathered feedback from the public and business communities through a survey, community meetings and interviews with businesses. People were asked to comment on the existing temporary sidewalk and parking stall patios and the way they would like public spaces to be used by food- and beverage-based businesses in the future.

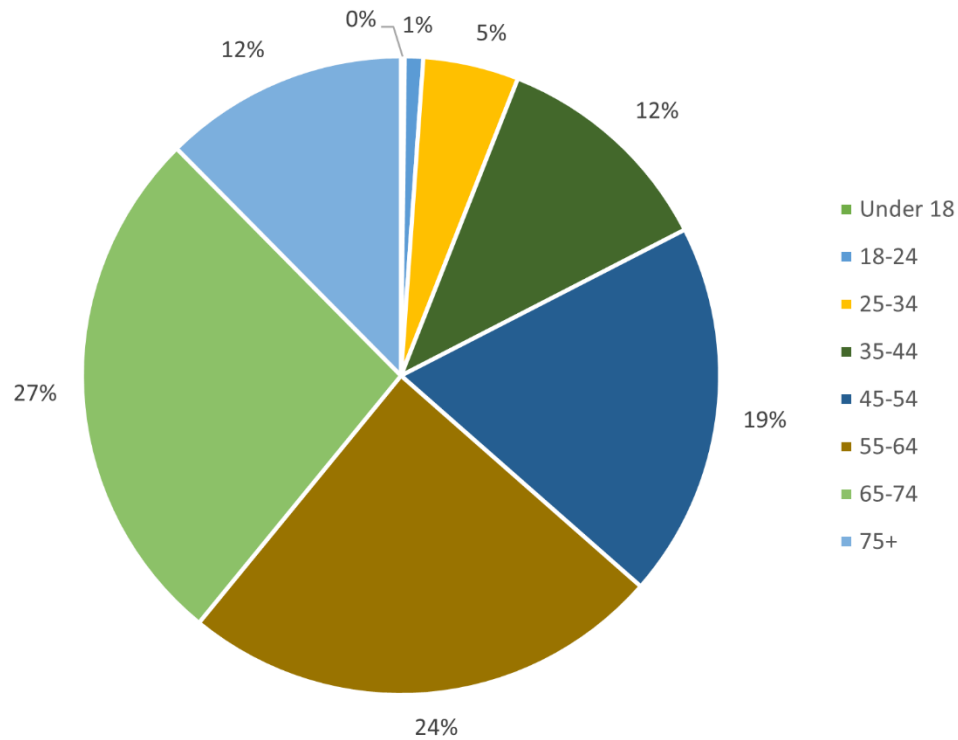
First, a public survey was developed and ran on the Oak Bay Connect website from January 4 – 30, 2023. Paper copies of the survey were available at the District’s recreation centres and the District office.

Public survey analysis

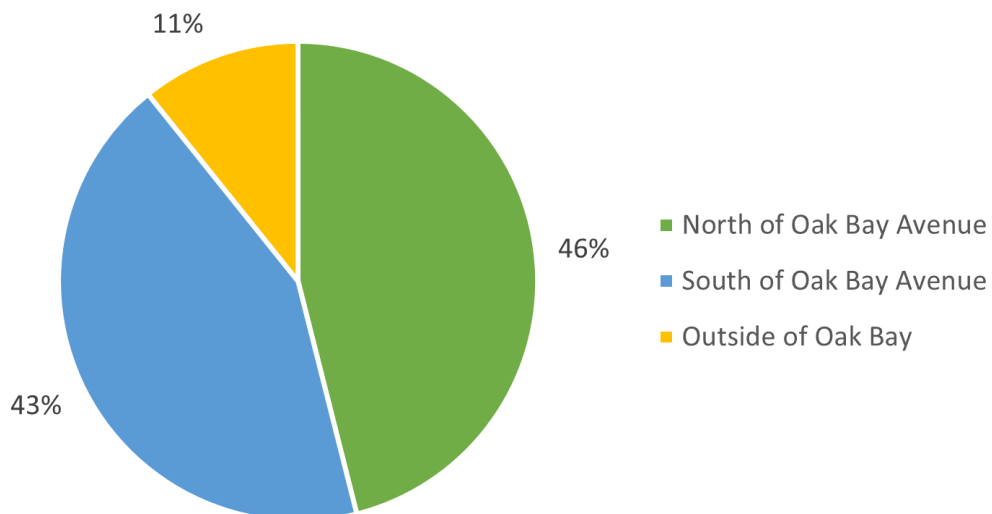
The public survey was held from January 4th to January 30th, and 1087 responses were received. A number of the questions gave respondents the option to provide an open-ended answer. The charts below show the results for each question, and some are accompanied by comments from respondents. Please note that the open-ended responses (other) have been reviewed and incorporated into the charts, where appropriate.

Demographics

What is your age?

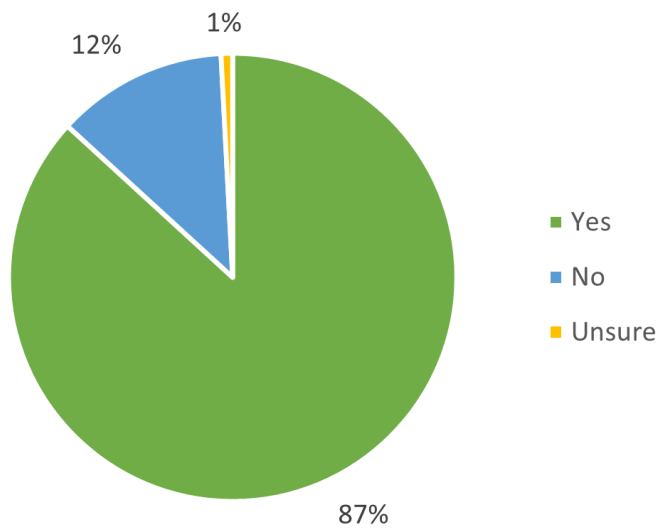


Where do you live?

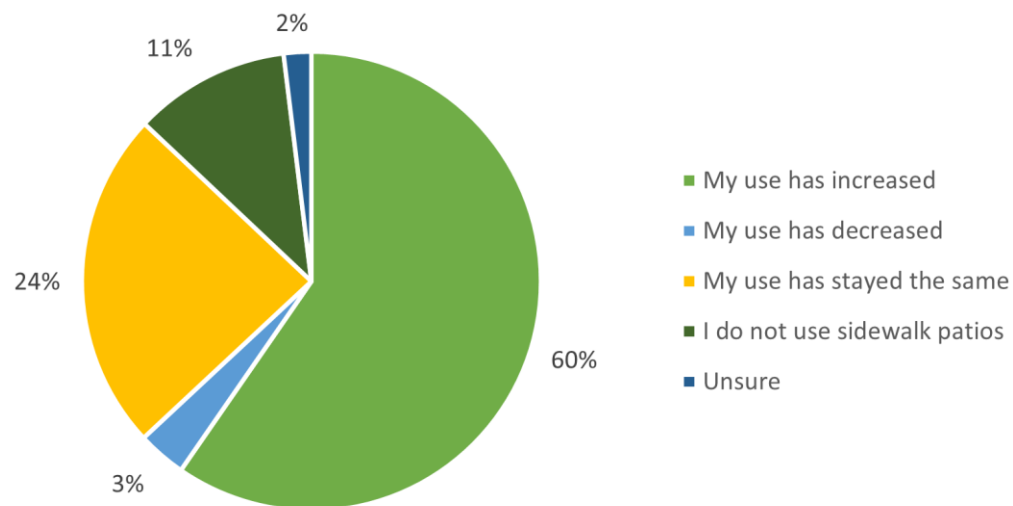


Use of patios

Have you visited any of the sidewalk patios in Oak Bay?

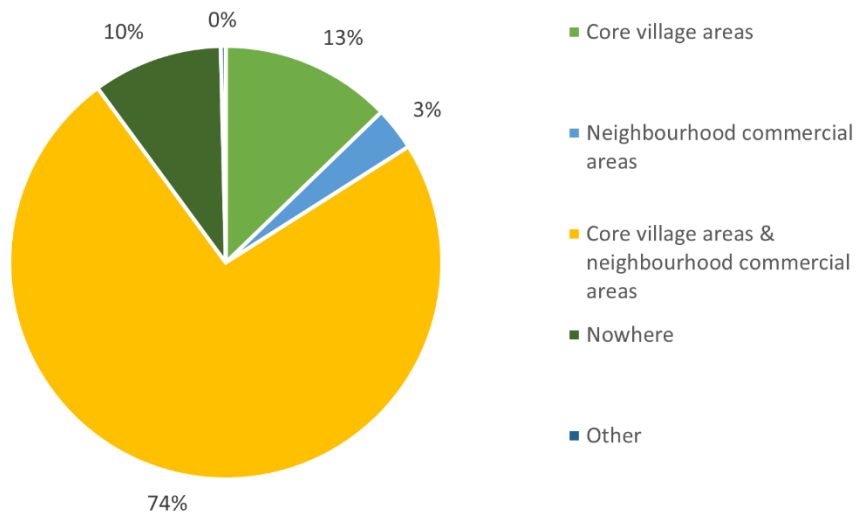


How has your use of sidewalk patios changed since June 2020?

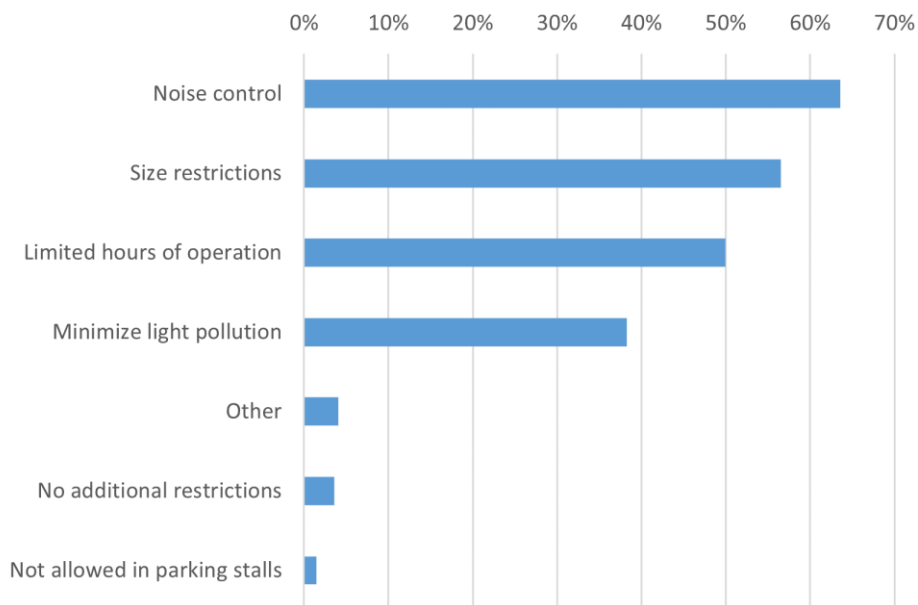


Patio Preferences

Where would you like to see sidewalk patios?



If a sidewalk patio was to be in a neighbourhood commercial area, what special regulations should be considered?

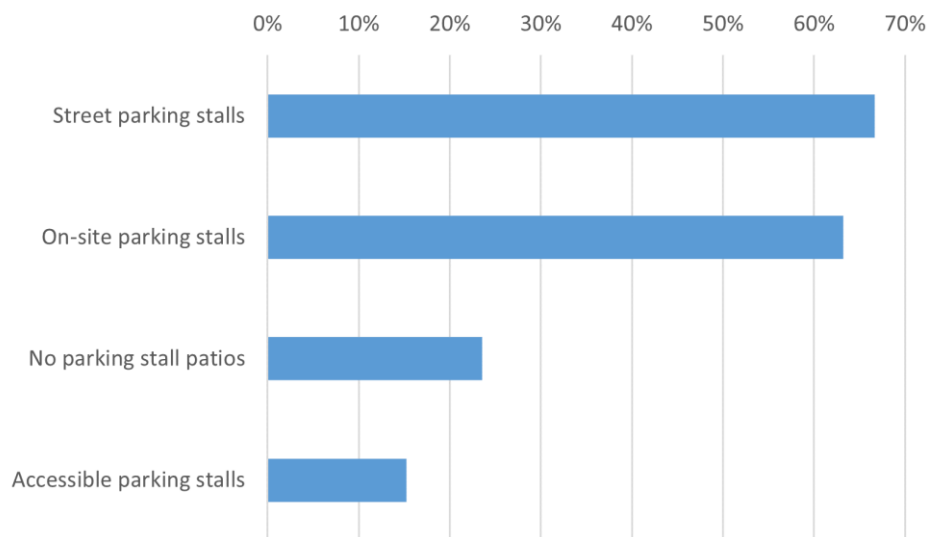


Comments from respondents included:

"Summer only. Removed the rest of the year."

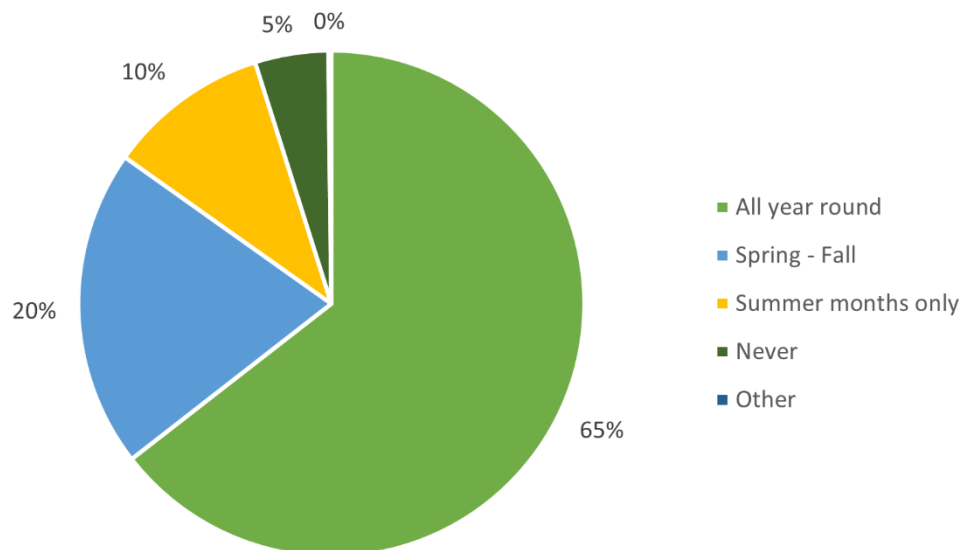
"Minimize impact on parking".

Do you think sidewalk patios should be allowed to expand into the following types of parking stalls?

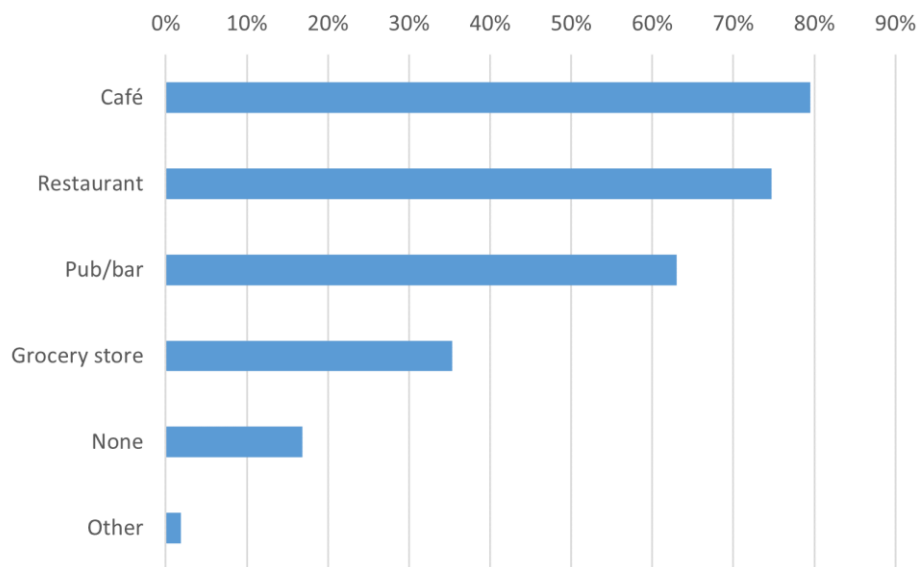


Please note that it was brought to our attention that this question was poorly worded and did not convey the intent of the District properly. Removing accessible parking stalls is not something being contemplated as part of the patios program. The oversight has helped the District better understand accessibility concerns around sidewalk and parking stall patios in Oak Bay, which has been a key focus of this project.

What months of the year should patios be allowed to operate?



What types of businesses would you like to see make use of sidewalk space?



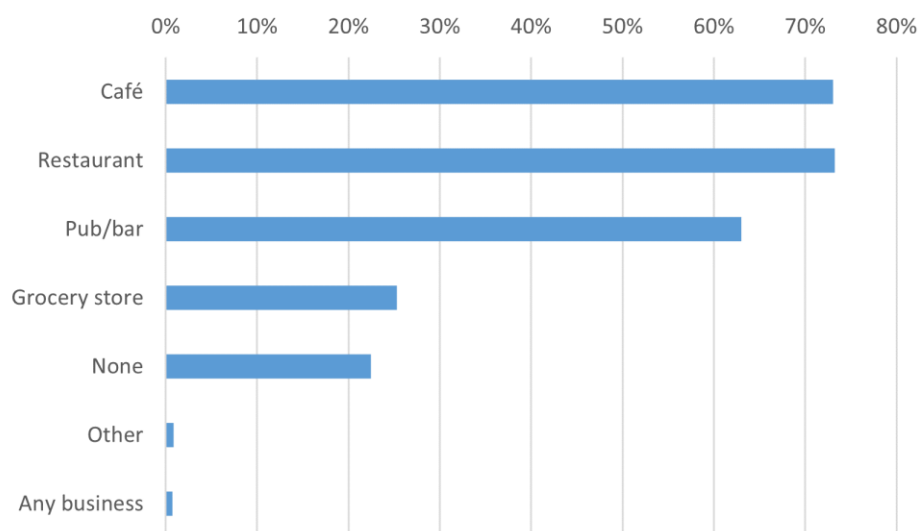
Other ideas from respondents included:

“Library”

*“Any retail business with merchandise to display (e.g. clothing store; produce markets, etc.)
- as long as there is sufficient accessible space for the movement of pedestrians.”*

*“This is super context dependent. We have so little sidewalk space and *SOOO* much road
space in most of our urban villages. Let's please convert more of the road space to safe
space for pedestrians.”*

What types of businesses would you like to see make use of public parking spaces? (Q5)



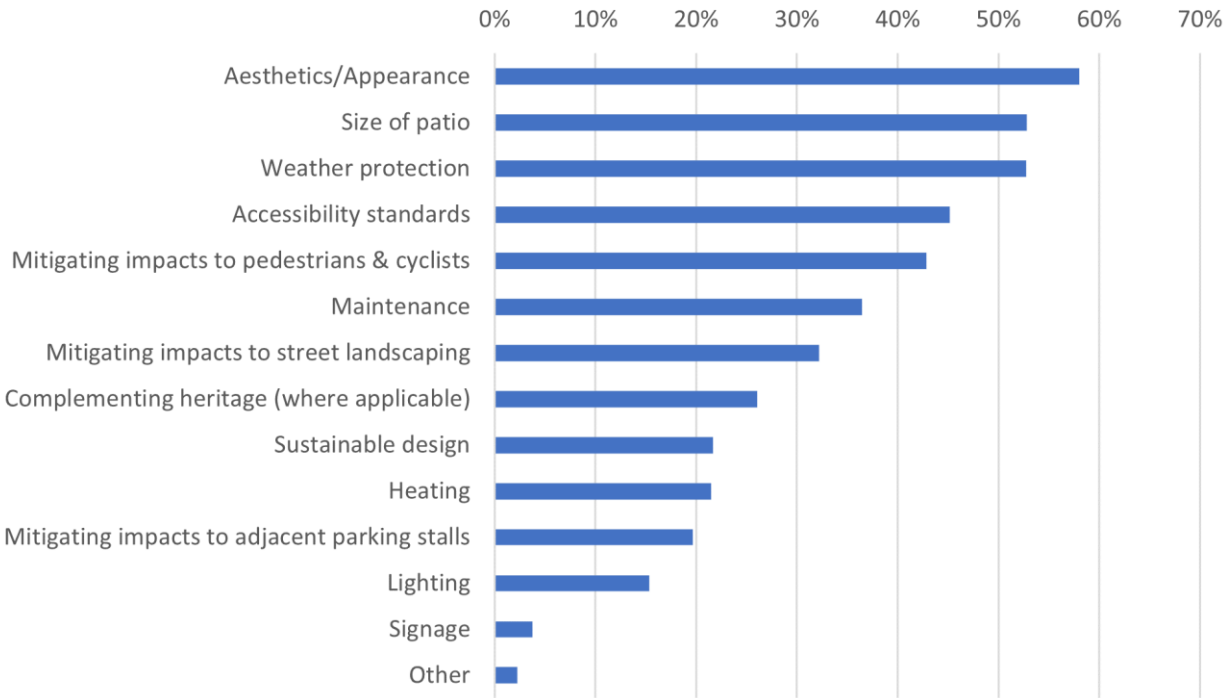
Other ideas from respondents included:

“Local gardeners, specifically for locally grown vegetables, flowers (avenue for community gardens to fund expansion and more awareness of their presence)”

“Fresh local farmer products, artisan products”

“In limited areas, some parking spaces could be re-dedicated to public and community use (including pedestrian use) to recognize that the “Highest and best use” may no longer be parking. Uses need not solely be commercial.”.

Design standards ranked in order of importance as selected by respondents (Q9)



Comments from respondents included:

“Cement dividers or similar to prevent car from crashing into the structures.”

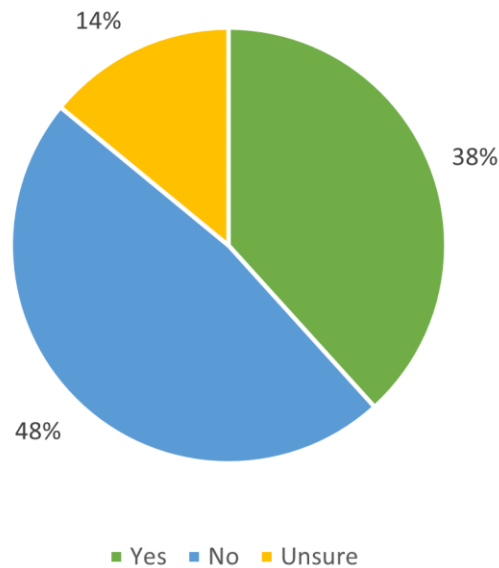
“Mitigating noise for surrounding homes if in a neighbourhood.”

“Mitigating impacts to motorists.”

“Outdoor heating should not be provided. In this time of global climate change, people should go inside or wear appropriate clothing if they want to be outside. We should not encourage more energy use.”

Concerns regarding patios

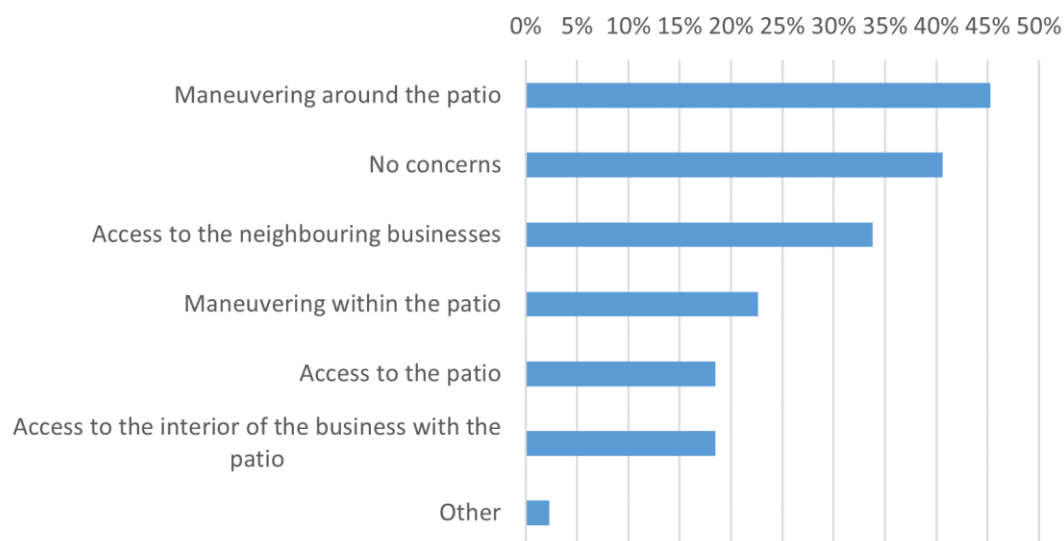
Do you have any concerns about impacts on pedestrians, cyclists, or motorists around sidewalk patios in terms of safety, access to adjacent businesses, etc.? (Q7)



Respondents who answered "yes" were asked what their concerns were, and those open-ended answers have been analyzed for key words, as shown in the word cloud below.



Do you have any accessibility concerns around sidewalk patios?



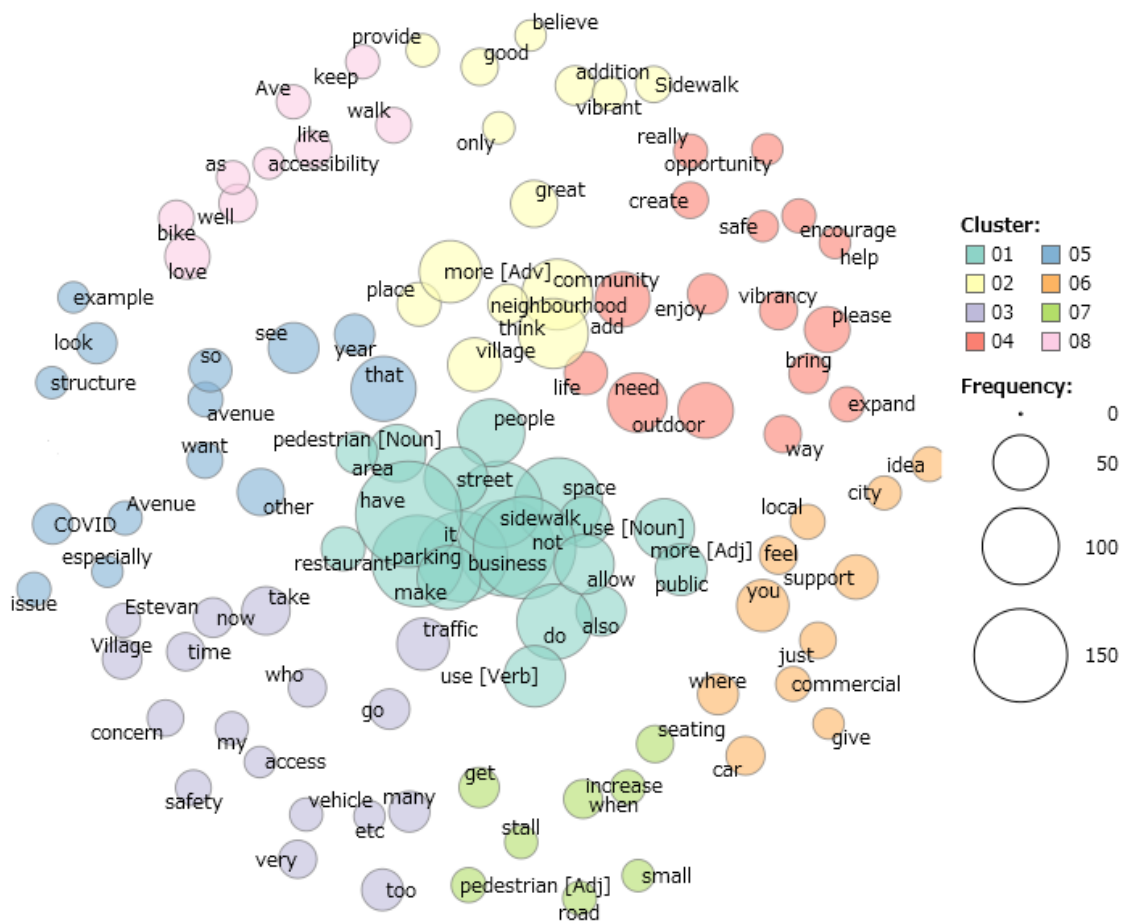
Comments from respondents included:

"There are many accessibility concerns including the height of tables. Bar height does not work for people in wheelchairs. You are providing a privilege to the business and they should be required to provide a public benefit. Even if your patios are wheelchair accessible, the business may not have accessible washrooms and this barrier should not be grandfathered. People in wheelchairs or using walkers should be able to get onto the patio, maneuver, be seated, and use the full indoor facilities. They may have to go inside to pay. They need to be maintained to stay accessible, have a realistic slope ramps with a good surface, and sandwich board signs need to be regulated."

"Any application for sidewalk use should include accessibility plan"

"As a pedestrian - Blocked sidewalks, parked bicycles, dogs with un- attentive owners. As an observer - the difficulty for those individuals who are mobility challenged. As a driver, the obstructed line of vision when approaching crosswalks."

Question 10 of the survey asked respondents if they had any other comments or concerns regarding public space patios in Oak Bay. Given the variety of responses, a different style of word cloud can be seen below. This diagram illustrates not only the frequency of words used, but also how the words are used together.



"Loss of parking spaces is a major concern. This has been done without taking away, parking spaces or impeding vehicles"

"We need to encourage more active transportation, so it's important to maintain pedestrian and cycling infrastructure. I'm not at all worried about parking."

As shown by the comments above, there are two divergent opinions about parking in commercial areas in Oak Bay. There were a significant number of comments mentioning a perceived shortage of parking, especially in Oak Bay Village. Generally, across all engagement feedback there has also been considerable support for making the village commercial areas more pedestrian friendly, and many comments about reallocating and repurposing spaces that have traditionally been used for vehicles.

Summary of the public survey findings

In general, residents of Oak Bay seem to be in favour of the use of public space for patios by restaurants, bars, and cafés, provided there are provisions in place that minimize the impact to pedestrians, people using mobility devices, and parking availability.

Community Forums

The District also hosted two community forums, one online, and one in-person. The online forum was held on the afternoon of February 8th and approximately 10 people attended via Zoom. The in-person forum was held on the evening of February 8th at the Windsor Park Pavilion and approximately 7 people attended.



Once again, the feedback was generally positive, and similar concerns were received regarding parking and accessibility. There were also concerns about the size of some of the patios and the impacts on neighbouring businesses. One attendee mentioned that providing designated commercial / non-residential parking spaces on neighbouring side streets during peak restaurant hours could compensate for the parking stalls occupied by patios.

There were a number of suggestions from attendees at both forums that business owners with a public space patio should be required to compensate the District for access and use of public space due to the additional wear and tear on the sidewalks and parking stalls, along with the financial benefit of using these spaces. All participants indicated their support for public space patio design criteria.

A couple of attendees brought up the long-term use of patios in the commercial village areas and suggested that they could be redesigned over time to separate pedestrians and cyclists from motor vehicles by utilizing adjacent streets and lanes.

Business Engagement

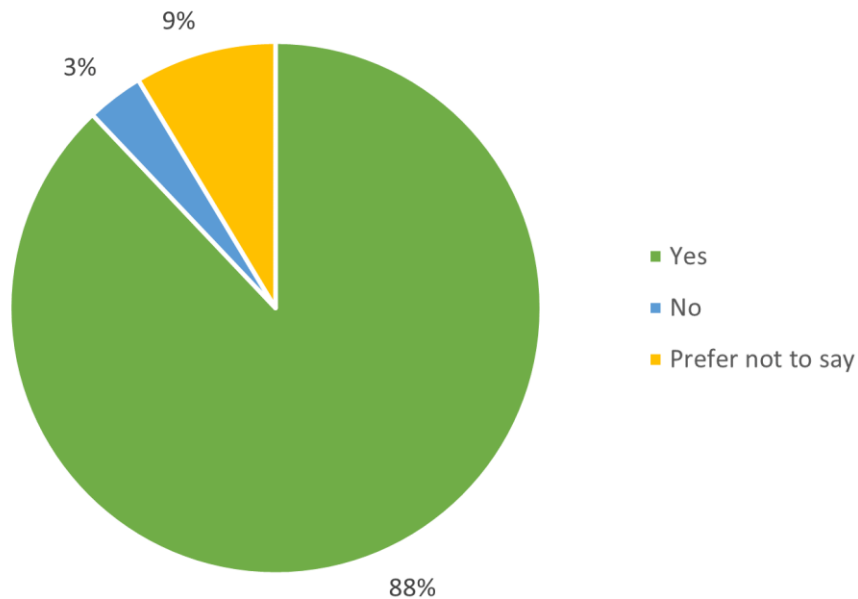
The SPEP is a business-oriented program, and therefore the businesses of Oak Bay were identified as key stakeholders, specifically those with a commercially zoned business location. Business owners were provided a separate survey that was not available to members of the public, as the questions were designed for business owners. A link to take the business survey was emailed to the 182 licensed businesses in the District located at a commercially zoned property.

Business survey analysis

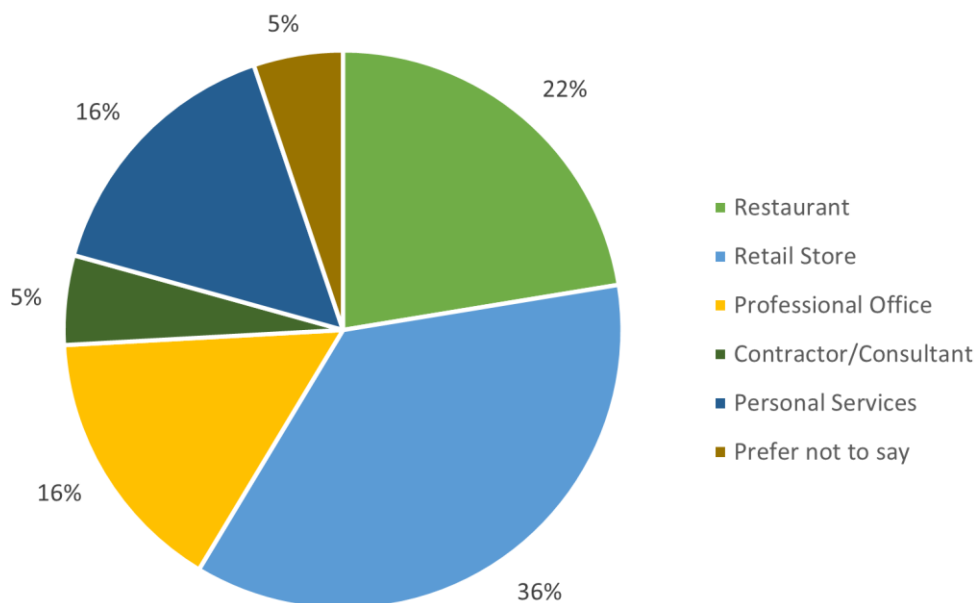
The business survey was held from January 10th to January 30th, and 59 responses were received. The results are below.

Demographics

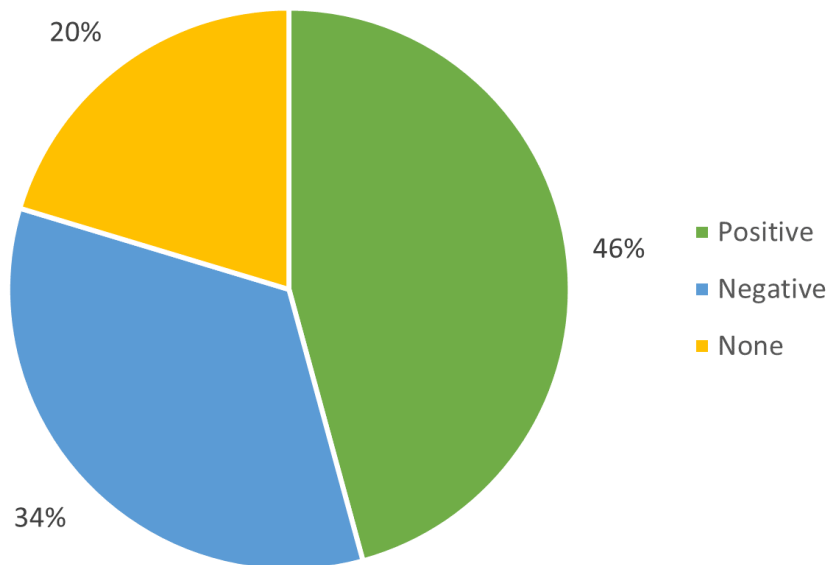
Do you operate or work at a business in Oak Bay?



What type of business do you operate or work at?

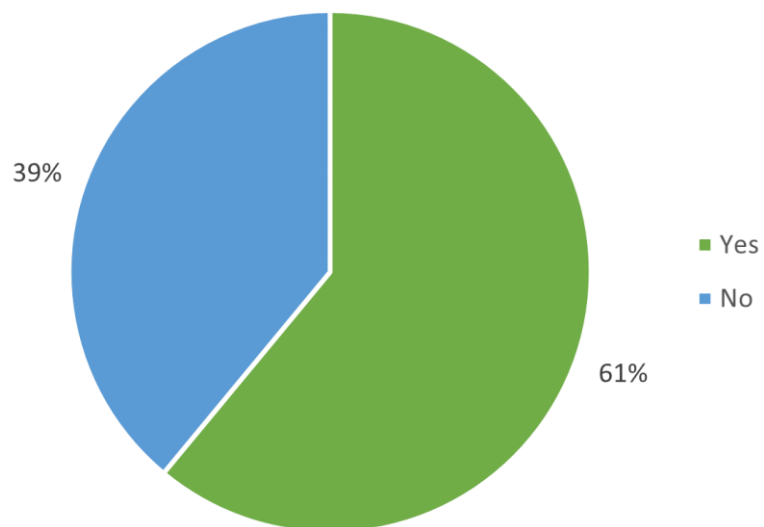


What impact do you feel that the sidewalk patios have had on your business?

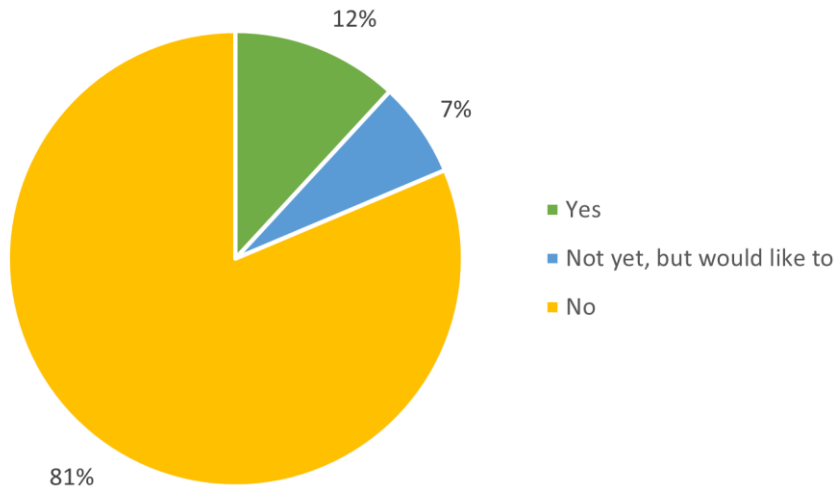


Use of patios

Have you visited any of the sidewalk patios in Oak Bay?

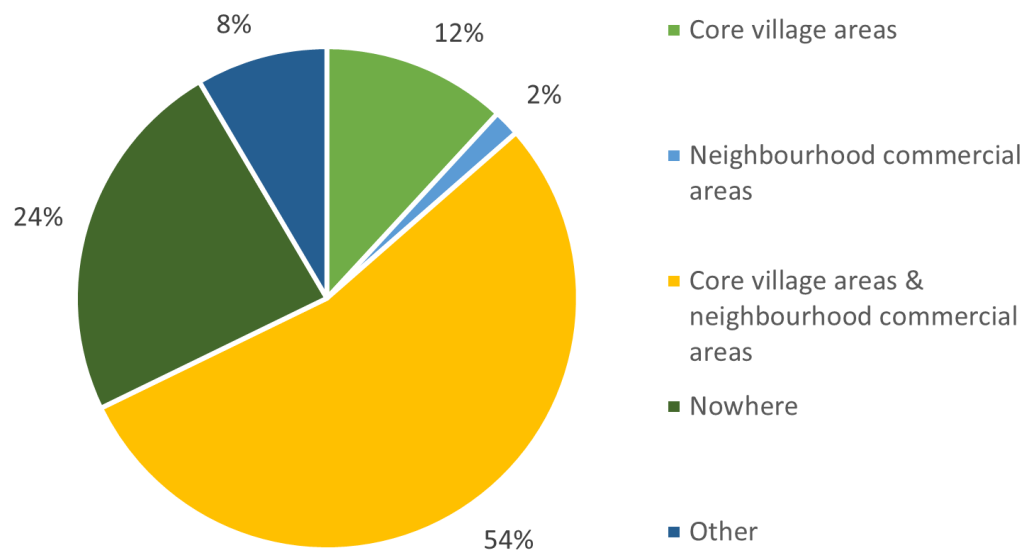


Have you ever operated a sidewalk patio in Oak Bay?

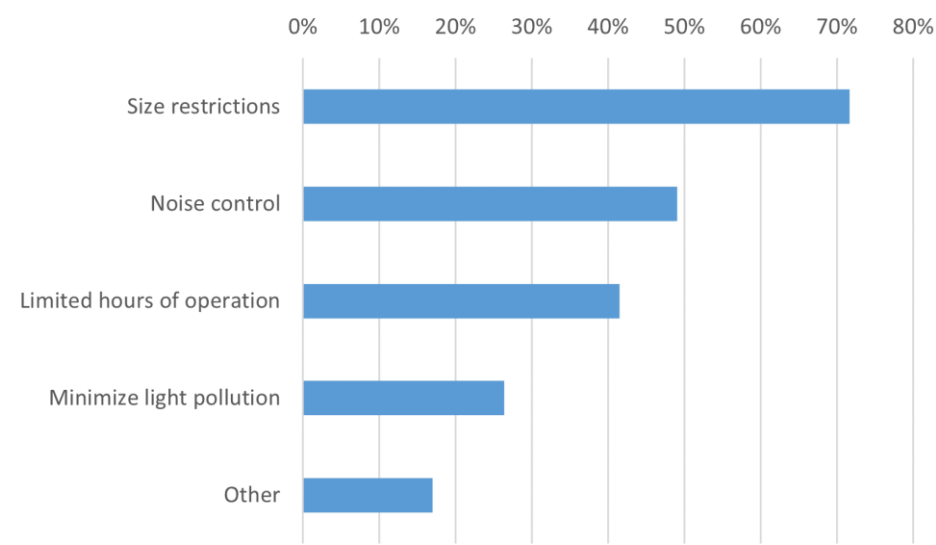


Patio Preferences

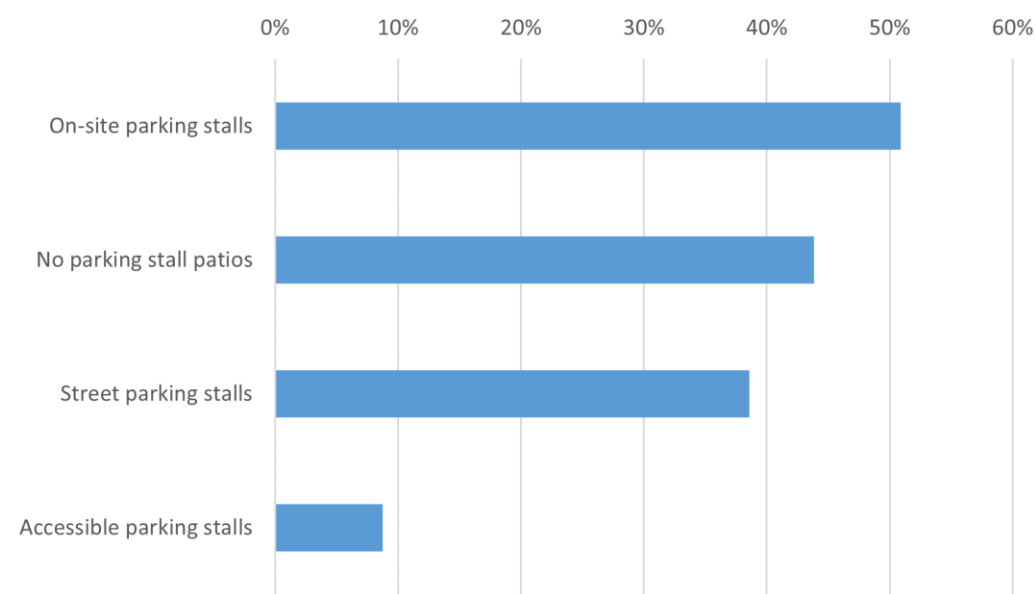
What areas do you think it is appropriate to allow patios?



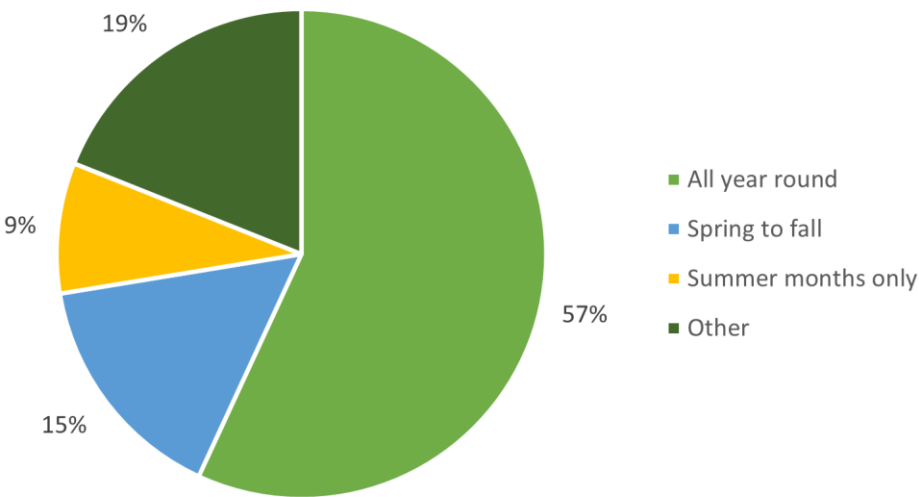
If a patio was to be located in a neighbourhood commercial area, what special regulations should be considered?



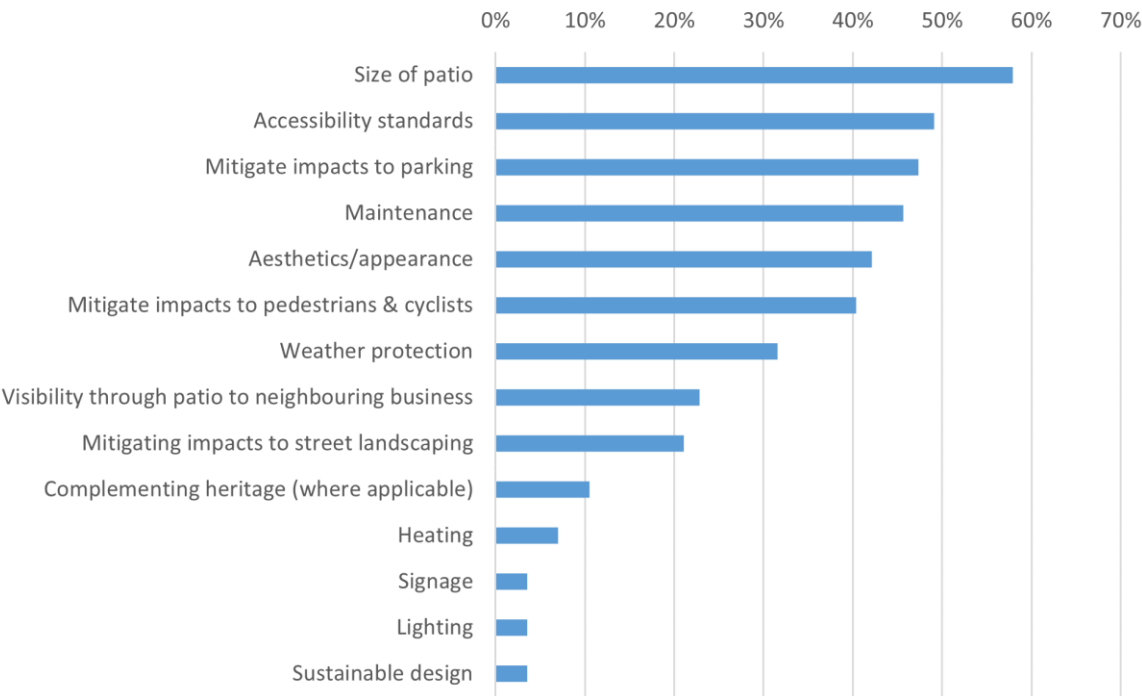
Do you think patios should be allowed to expand into the following types of parking stalls?



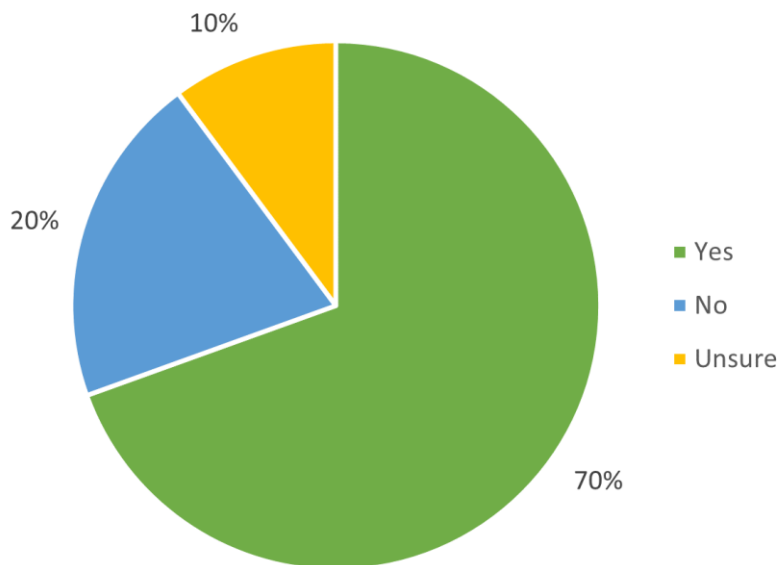
What months of the year should patios be allowed to operate?



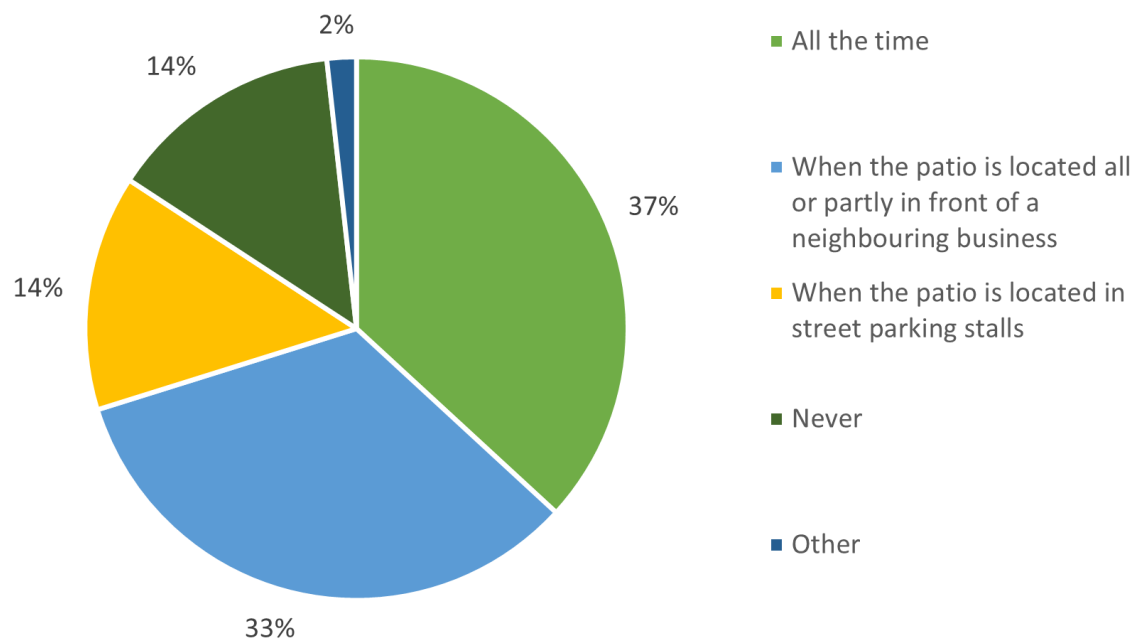
Design standards ranked in order of importance as selected by respondents



Do you think additional maintenance standards should be required for businesses with sidewalk patios?

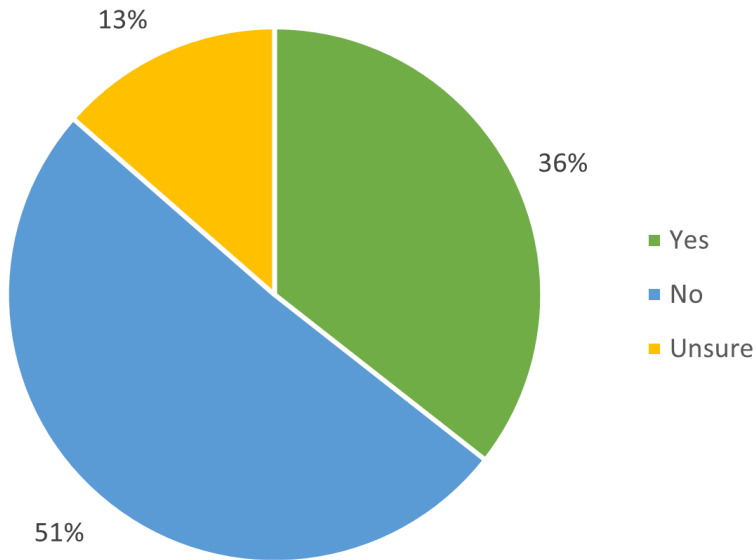


Do you think that applicants for a sidewalk patio should be required to get support from the neighbouring businesses under the following conditions?



Concerns

Do you have any concerns about impacts on pedestrians, cyclists, or motorists around sidewalk patios in terms of safety, access to adjacent businesses, etc.? (Q7)



To help reduce potential conflicts between patios, patio users, and adjacent businesses, what would you like the District to consider to mitigate your concerns?

A total of 10 of the 22 comments received for this question mentioned concerns about parking, including several comments indicating they felt there is a lack of enforcement regarding the 2-hour parking limit in the village areas.

A few comments indicated that business owners would like the opportunity to provide feedback on proposed patios, or to have some direct involvement in reviewing the designs.

"Those who want to build a patio should have more than one design for adjacent businesses to choose from/ consult about. Feedback from businesses should be considered."

"There will always be some type of conflict but the patios should be subject to a one year trial period and then potentially adjusted to accommodate concerns."

"Patios should be confined to the area directly in front of the establishment with a low profile allowing others to see over and through the patio to ensure it does not restrict the visibility of the surrounding businesses. Patios should also only be allowed for establishments where at least 65% of their revenues come from food. Patios should have seating and tables for customers as well as umbrellas and heaters."

"Make sure they do not impact accessible parking stalls or the flow of traffic for people with mobility aids."

Do you have any other comments or concerns regarding sidewalk patios in Oak Bay?

"It is essential we continue to allow patios for the health of the businesses that have struggled due to the pandemic. Anything we can do to support the businesses in their efforts to stay afloat is our responsibility as neighbors."

"They provide vibrancy to the community."

We received 22 responses to this question, including 6 positive responses, such as those above.

"I don't feel the patios are a great idea on a main road such as Oak Bay Ave, especially when they impact parking that is for potential customers of a business that does not benefit from these types of patios."

There were also more concerns about parking and the impact of reduced parking on adjacent businesses.

"Safety is the most important aspect of installing/keeping the patios in Oak Bay but all other concerns should be given proper consideration."

Concerns about safety, especially regarding the proximity of patios to major intersections, were also received. There was a suggestion that the patios should be seasonal, as some patios may not be utilized during the winter months, and parking stalls may be more in demand during inclement weather.

Summary of business survey

The feedback from the businesses that responded was more mixed than that from the public survey. There were more respondents in favour of sidewalk and parking stall patios than against, but by a much smaller margin. The largest concern for businesses by far appears to be parking, to the point that there were multiple suggestions that patios should only be allowed on the sidewalk and not in parking spaces. Their priorities focused less on aesthetics and more on logistics and equitable processes. There was a concern that food and beverage businesses received an unfair advantage by allowing them to use public space with a minimal financial contribution to the District.



Business interviews

A separate email was also sent out to all restaurants, pubs, and cafés in Oak Bay, inviting them to meet with the SPEG consultant to discuss their experience with the temporary program and their suggestions for the permanent program. The consultant met with 4 restaurant owners to discuss the existing process and get feedback. 3 of the restaurants have existing parking space patios, and the third has no public space patio.

The 3 business owners with existing patios were very grateful for the opportunity to have a patio during the pandemic and would like to keep the patios operational moving forward, although they were all open to working with the District to make sure the patios were appropriate for the space.

The existing temporary patio process was said to be fairly straight-forward to navigate. All the owners would like to have some flexibility included in the permanent process regarding the appearance of the patios. There was a suggestion that it may also be useful to differentiate between patios with and without a liquor license, as the provincial regulations only apply to licensed establishments. There was a concern from two of the business owners regarding the potential requirement for input from neighbouring businesses.

One of the business owners did have a concern about the amount of parking being used for patios on Oak Bay Avenue, as a significant portion of their clientele has mobility challenges and can struggle to find parking close enough to meet their needs.

One of the ideas brought up in the survey results was the option to incentivize seasonable patios, which would allow for increased parking during inclement weather, when vehicles are a more popular mode of transportation. However, there were concerns from the business owners with patios regarding this idea, as they have limited storage space for the patio structure and furnishings.

An annual licensing and rental fee was discussed and none of the owners had any concerns.

The discussions with the restaurant owners made it clear that, due to the quick implementation of the temporary process, there were inconsistencies in the information provided to applicants.

Other stakeholders engagement

The Greater Victoria Chamber of Commerce strongly recommended aligning not only the fees but also design requirements as much as possible over the region, to make it easier for restaurant owners who own restaurants in multiple districts. However, it is not currently known how many restaurant owners in Oak Bay would benefit from this type of approach.

Three local organizations that provide services to people with disabilities were contacted, including the Action Committee of People with Disabilities, the Victoria Disability Resource Centre, and Walk On Victoria, and they have provided input regarding this project and specifically the proposed design criteria.

An Oak Bay resident who uses a wheelchair volunteered to discuss his experience with the existing patios in Oak Bay. While he hasn't had any specific issues with the existing patios, he has noticed that most of them are not accessible to people who use a wheelchair. He does sometimes find it hard to maneuver around obstacles such as street furniture and chairs from enclosed patios that get pushed out onto the sidewalk. Moreover, this resident would like to see businesses that are applying for a parking space patio encouraged to build a platform at the same level as the sidewalk rather than providing a ramp down to the road level, as ramps can be tricky to navigate. He was enthusiastic about the suggestion that all public space patios provide at least one accessible table.

Advisory Design Panel

A presentation was given to the Advisory Design Panel on February 21st. It provided the panel with information on the project and the engagement activities to date. The panel were pleased with the extent of the consultation process and supportive of the program. It was mentioned that patios animate the street and provide a sense of community. The top priority for the panel was aesthetics and good quality design, including thoughtful lighting, landscaping, and noise control to minimize impacts on the neighbourhood. There were concerns about safety, especially around air quality, traffic control, and storm water management. The panel was pleased with the focus on accessibility.

They agreed with the proposed reduction in size of the patios, by limiting them to the extent of the business frontage, although some members were on board with the option of increasing the footprint with the approval of affected businesses. There was a suggestion that future patios could be referred to ADP for review and comments.

The ADP did not put forward any motions regarding this matter.

APC

The same presentation was also given to the Advisory Planning Commission on February 22nd. The Commission were generally supportive of the project and were pleased with the extent of the engagement process. They did have concerns about the logistics of required public construction around the patios and the legal implications of private businesses operating on public property.

The Commission recommended reviewing both the patios approved under the new process as well as the process and regulations after 1-2 years, and developing a long-term plan regarding sidewalks and patios, especially in the commercial village areas.

The Commission members recommended a focus on aesthetics, including landscaping, in the design criteria. They approved of the focus on accessibility and recommended reviewing the provincial Accessibility Act for any compliance requirements.

The APC did not put forward any motions regarding this matter.