DISTRICT OF OAK BAY

SIDEWALK PATIO CONSULTATION

PROJECT OVERVIEW

The purpose of the Sidewalk Patio Expansion Program consultation is to get input on developing a new permitting system and set of guidelines for food and beverage businesses that wish to make use of public space (sidewalks and parking spaces) in the District of Oak Bay.

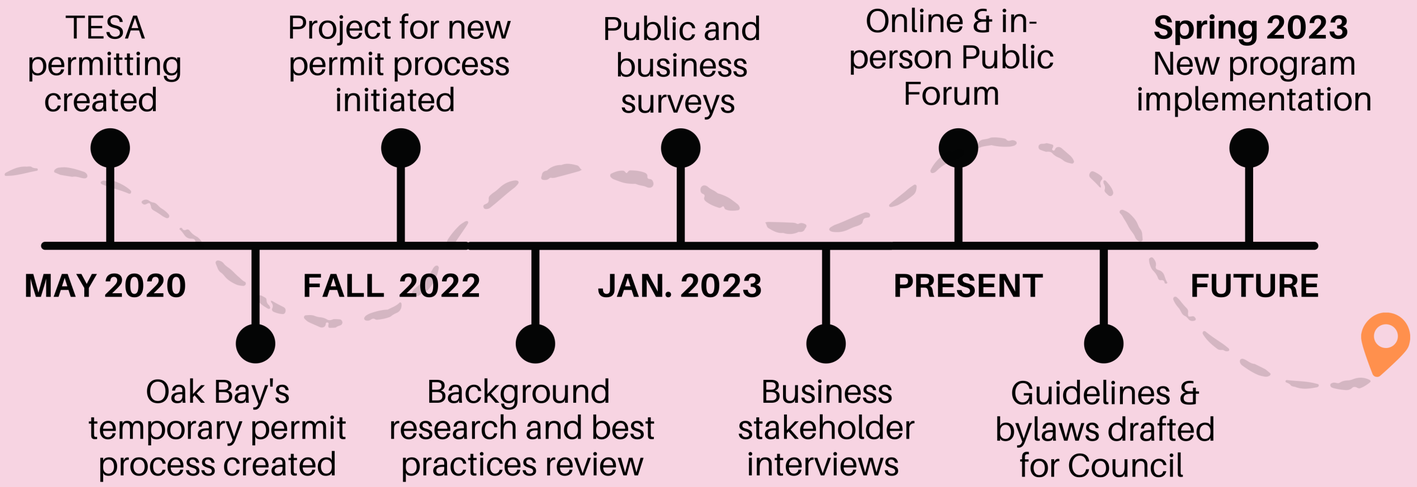
BACKGROUND

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 Street Occupancy Permits to let food and liquor establishments expand onto sidewalks and roads.

The TESA permits and the current Oak Bay approvals will expire on March 31, 2023. Oak Bay is currently developing its own permanent sidewalk patio permitting process to start April 1, 2023. Existing patios will require reapplication and be subject to the new guidelines.

PROJECT TIMELINE



CURRENT PERMITTING PROCESS

PERMIT PROCESS

Since mid-2020, the District has been issuing **Temporary** Street Occupancy Permits. An applicant must provide a site plan with location and dimensions, as well as drawings that shows how the patio meets the District's design guidelines. Patio designs have been approved by engineering staff. The applicant provides a $500 deposit for the duration the patio is in operation. Things to note:

- Patios that extend past the business frontage require feedback from directly affected businesses.
- Including a roof, covering, or deck structure will require sign off from a structural engineer.
- Proof of $2 million liability insurance with the District named as an additional party is required.
- The business is responsible for proper maintenance at all times.

TEMPORARY PATIOS ON THE SIDEWALK

EXISTING GUIDELINES

- Maintain **2 m wide pedestrian passageways** on the sidewalk (between business and patio)
  - must not include areas that are grass, soil, tree grates, or other similar areas
  - must remain as straight and clear as possible.
- Sidewalk patios are to be **enclosed and delineated** by railings, rope, stanchions, planters, etc.
- **Height restrictions** for perimeter barriers are 85 cm to 95 cm, and they must always to be stable and secure.
- **Clearance** between the patio and the nearest utility pole, tree, municipal planter, bike rack, bus shelter is required to ensure function and maintenance.
- Must not obstruct **access to buildings.**
- **Trash receptacles** are not permitted within the sidewalk patio.
- **Objects** (furnishings, umbrellas, planters) are to be located within the patio area and shall not extend/overhang past the patio.
- No **signage** is permitted in or on the patio.

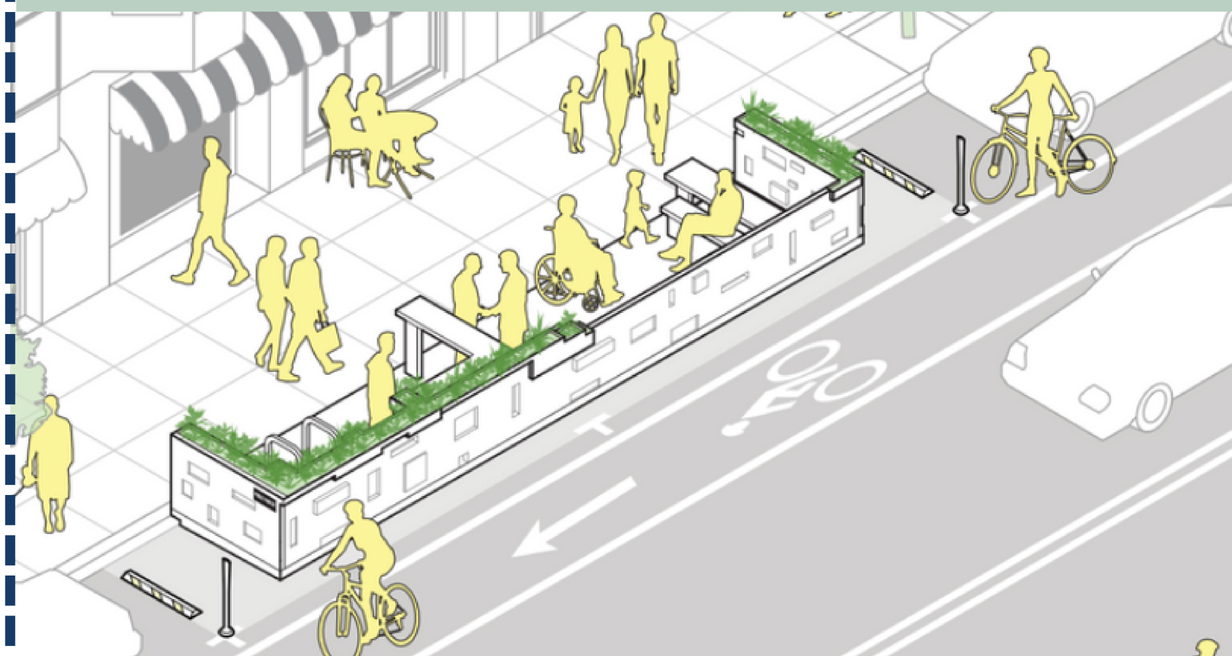
TEMPORARY PATIOS IN PARKING STALLS

EXISTING GUIDELINES

- Provide a **1 m separation** between the outer edge of the patio and the adjacent travel lane.
- **Railings** at a minimum of 1.07 m in height must be provided on all sides of the patio that are adjacent to street, and railings adjacent to the street include reflectors.
- Only **permanent street parking and loading spaces** may be utilized.
- Only permitted in parking stalls that are **generally flat.**
- Adequate space should be maintained between patio and adjacent parking stall.
- **Demarcate access points** to provide **safe transition** between sidewalk and parking stall levels.



- **Thinking about the current guidelines, what could be improved?**



THE PATIOS IN OAK BAY



Ruth and Dean

- 10-person capacity
- On curb bulge
- Setback from intersection



The Village Restaurant

- 20-person capacity
- Uses 3 angled spaces
- Width of patio larger due to angle of parking spaces



Tapas on Oak

- 16-person capacity
- Uses 2 parking spaces



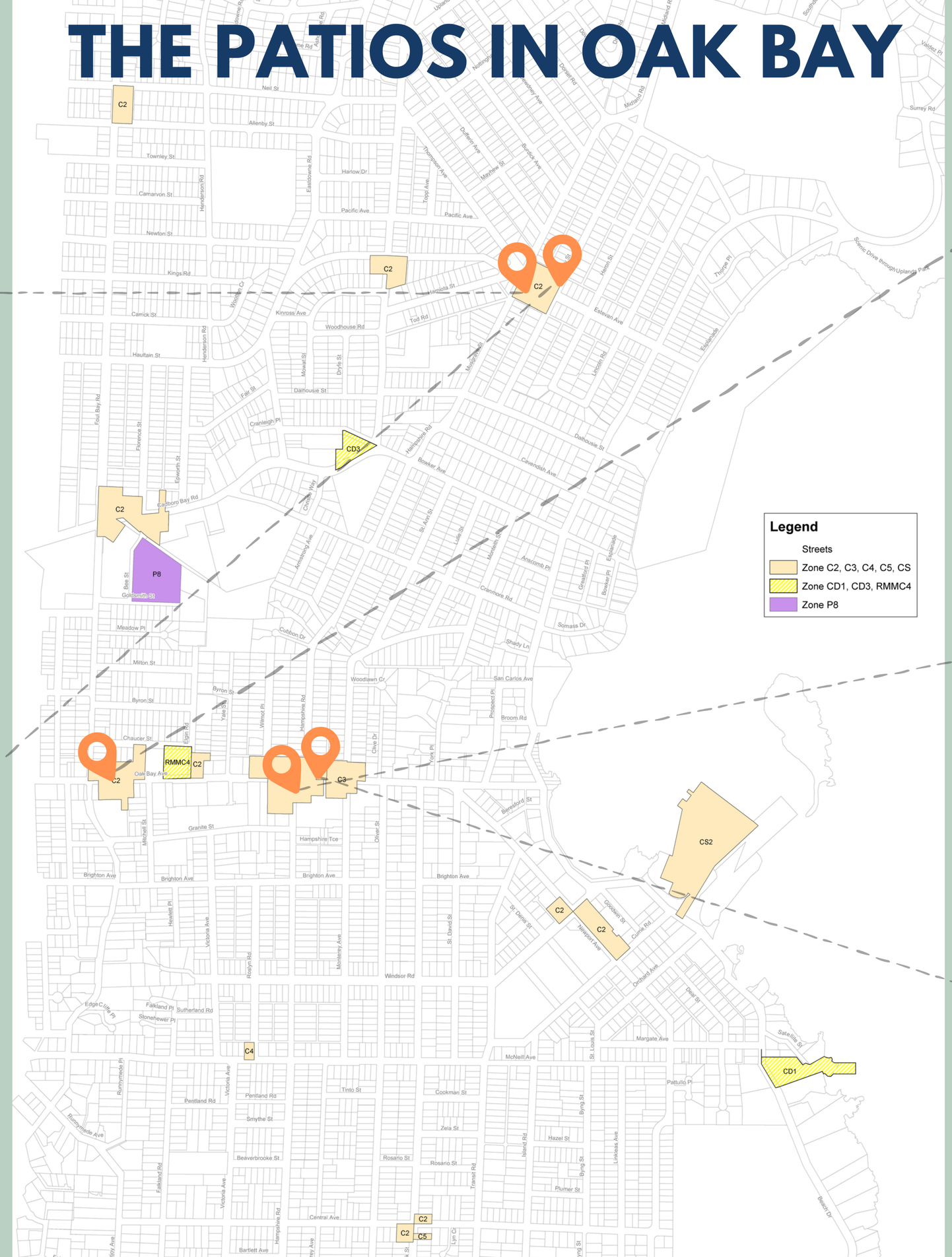
Hide & Seek Coffee

- Bench seating only
- Uses 1 parking space



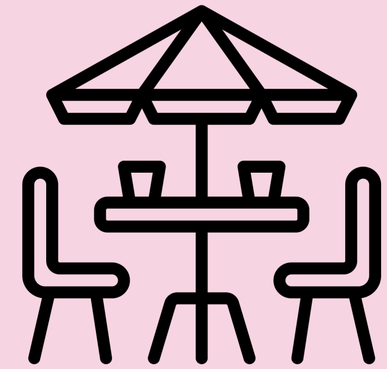
Penny Farthing/Vis-a-Vis

- 35-person capacity
- Uses ~5 parking spaces



MUNICIPAL COMPARISON

Patio Requirements	Victoria	Sidney	Vancouver	Nelson
Application fee	$50	$50	$238.02	$300
Annual rental fee	$3.80 - $12.40 per sqft depending on type and location	Unknown	$67.41 - $162.83 + GST per m^2 per year	The greater of $300 or $48.50/m^2$; and $300 per parking stall
Insurance	$2M liability	$2M liability	$5M liability	$5M liability
Parking stall patios allowed?	If there is sufficient parking	Yes	Yes	Yes
Removal timeframe for public construction	48 hours	24 hours	24 hours	Unspecified
Width of pedestrian travel	1.5m	Between 0.6m and 3m (depending on location)	2.4m	1.6m (except 2m along main street)
Distance from lane of traffic	1m	n/a	Parking stall patios restricted in size	n/a
Extending past boundary of business frontage	No	Yes, with written permission from affected businesses	No	Yes, with permission for sidewalks. Not permitted for parking stalls
Operating hours	None	None	7am to 11pm	Close at 12am
Noise restrictions	None	None	No live music or amplified sound	No amplified sound after 10pm
Required to be accessible	No	No	Yes	Yes
Fence required	For parking stall patios	No	Yes	Yes
Height of fence	1.07m for PSP	n/a	0.75 - 1m	1m
Heaters allowed	Yes	Unspecified	Yes	Unspecified



NEW PROVINCIAL REQUIREMENTS

- Applicants need to provide a plan with the current occupant load stamped and signed within the last 12 months.

- The applicant must show that the bounding (fence, railing, etc.) and signage is sufficient to control the entry and exit of patrons, prevent liquor from leaving the licensed area, and preventing overcrowding.

- Access to patios must not be from another business or license type.

ACCESSIBILITY STANDARDS

Based on best practices research, the District has compiled a list of accessibility design standards with the highest values:

- A clear and straight path of at least 1.8m wide should be maintained at all times.
- The majority of the path of travel should be at least 3m wide, to allow 2 wheelchairs to comfortably pass each other.
- Patios should be enclosed with a fence or railing that is detectable by a long cane.
- A minimum overhead clearance of at least 2.7m.
- Obstructions such as free-standing signage or stations should not be in the path of travel.
- 5% of sidewalk patio seating should be accessible.

CASE STUDY

CITY OF VANCOUVER

For all sidewalk patios, the City of Vancouver has implemented the following accessibility requirements:

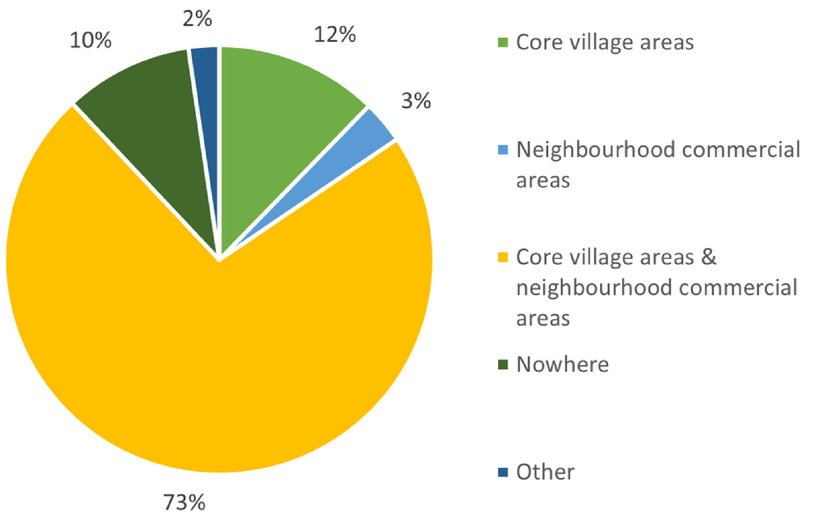
- Businesses must provide accessible seating at one of their patios.
- Accessible seating must be provided at least at one of your liquor serving patios.
- The patio furniture must include at least one table for persons with reduced mobility.
- Patio must have an accessible serving aisle of 1.1 metres.
- 2.4 metres of sidewalk clearance is required to support access for those with mobility impairments and wheelchair users.
- The pedestrian sidewalk clearance must be a clear and direct path.
- Pedestrians should not have to walk around the patio or other obstructions such as sandwich boards or queuing stanchions.

WHAT WE'VE HEARD SO FAR....

PUBLIC SURVEY - 1087 RESPONSES

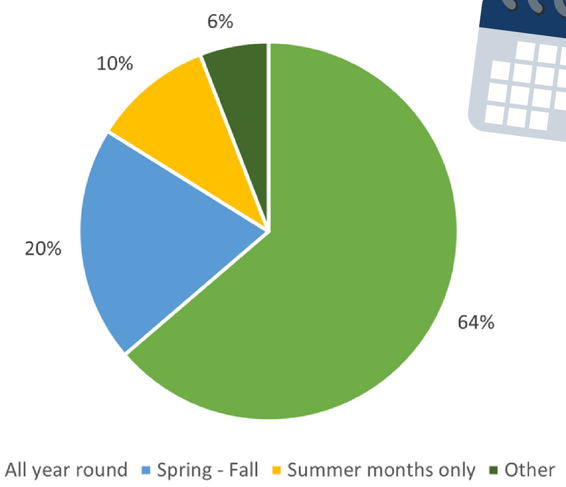
Where do people want to see these types of patios?



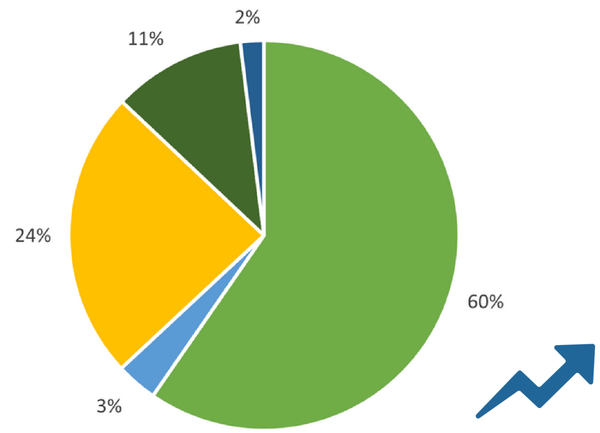


When should these patios be allowed to operate?

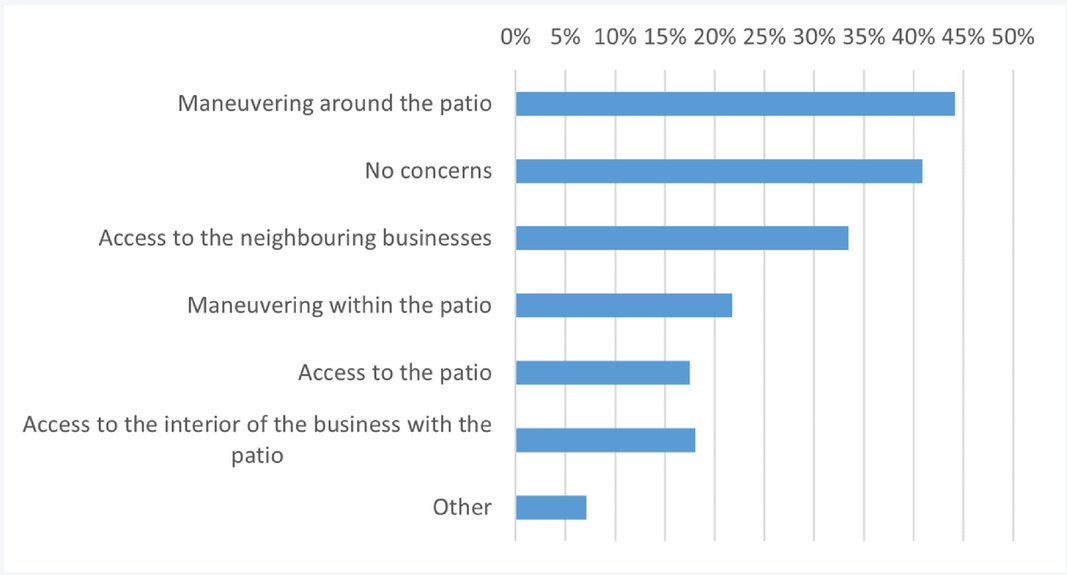




Has your use of patios changed since June 2020 (when temporary patios were permitted)?



What accessibility aspects should be prioritized?



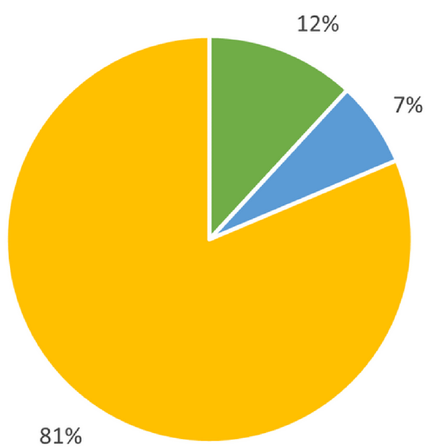
The top 5 design standards people selected:



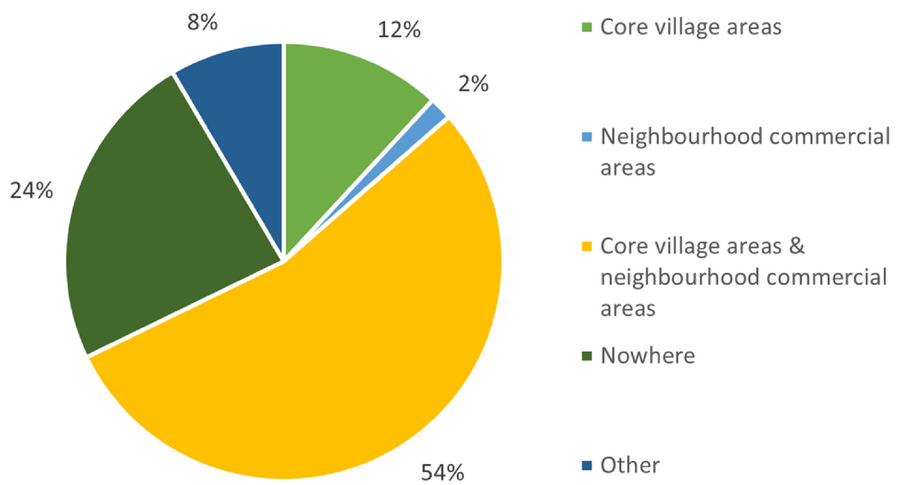
WHAT WE'VE HEARD SO FAR....

BUSINESS SURVEY - 59 RESPONSES

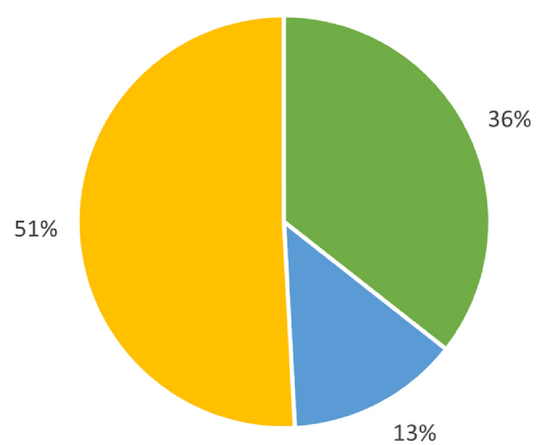
Businesses that have a sidewalk patio already



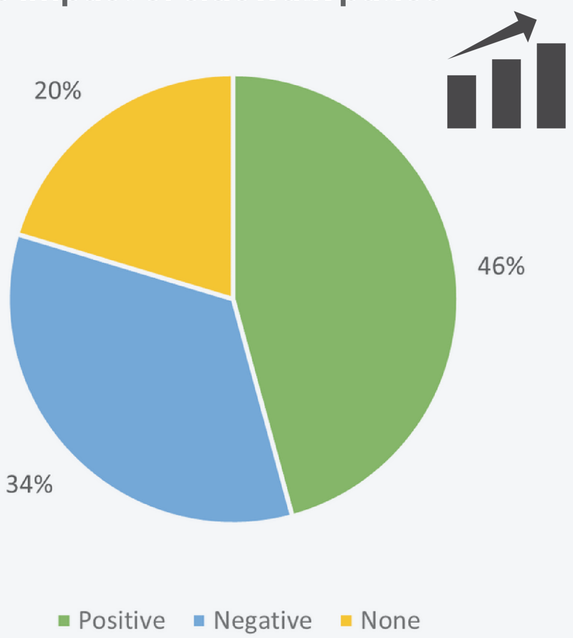
Where do businesses want to see these types of patios?



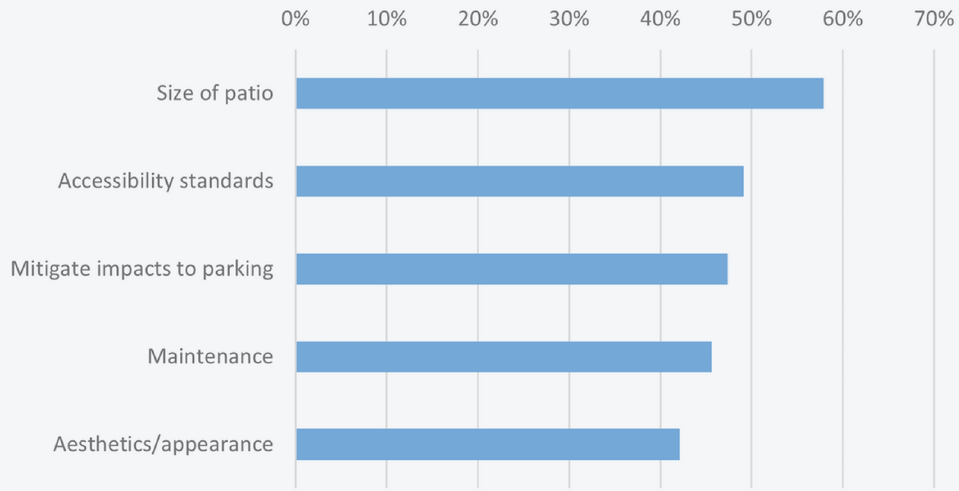
Are businesses concerned about the impacts to pedestrians, cyclists, and motorists?



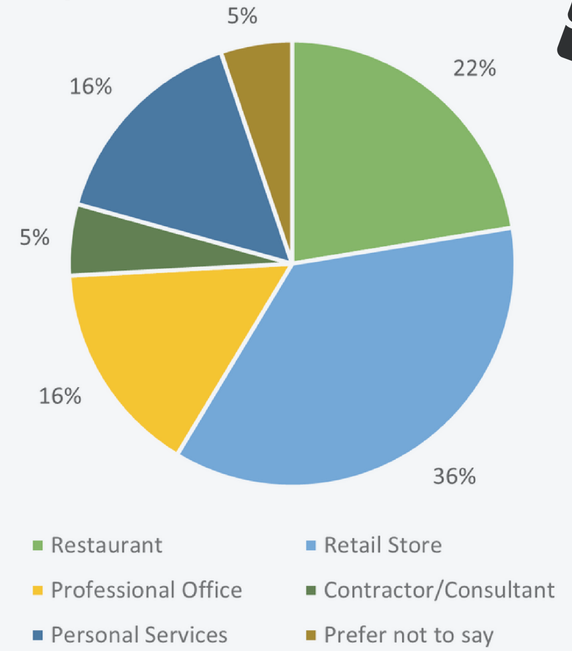
Feedback from businesses on the impact of sidewalk patios



The top 5 design standards businesses selected:



The types of businesses that responded:



SHARE YOUR THOUGHTS!

- Do you have any comments about the existing patios under the temporary permit process?

- What guidelines should be prioritized for sidewalk and parking stall patios?

- Do you have any other feedback?