



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Update to the Sidewalk Patio Guidelines

File No.: 3030-00-01

Date: May 19, 2020

PURPOSE:

The purpose of this report is for Council to consider alterations to the sidewalk patio design guidelines.

CAO RECOMMENDATIONS:

That based on the May 19th, 2020 Staff Report "Update to the Sidewalk Patio Guidelines" Council endorses changes to the Sidewalk Patio Design Guidelines and authorize the Director of Development Services to approve permits.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The Downtown sidewalk patio program was introduced in 2015. The program establishes guidelines and a permitting process for the addition of sidewalk seating areas for downtown businesses. The program currently allows for two types of patios shown below. The intent of these guidelines was to avoid conflict between the business operation and pedestrians by keeping the patio immediately adjacent to the storefront.

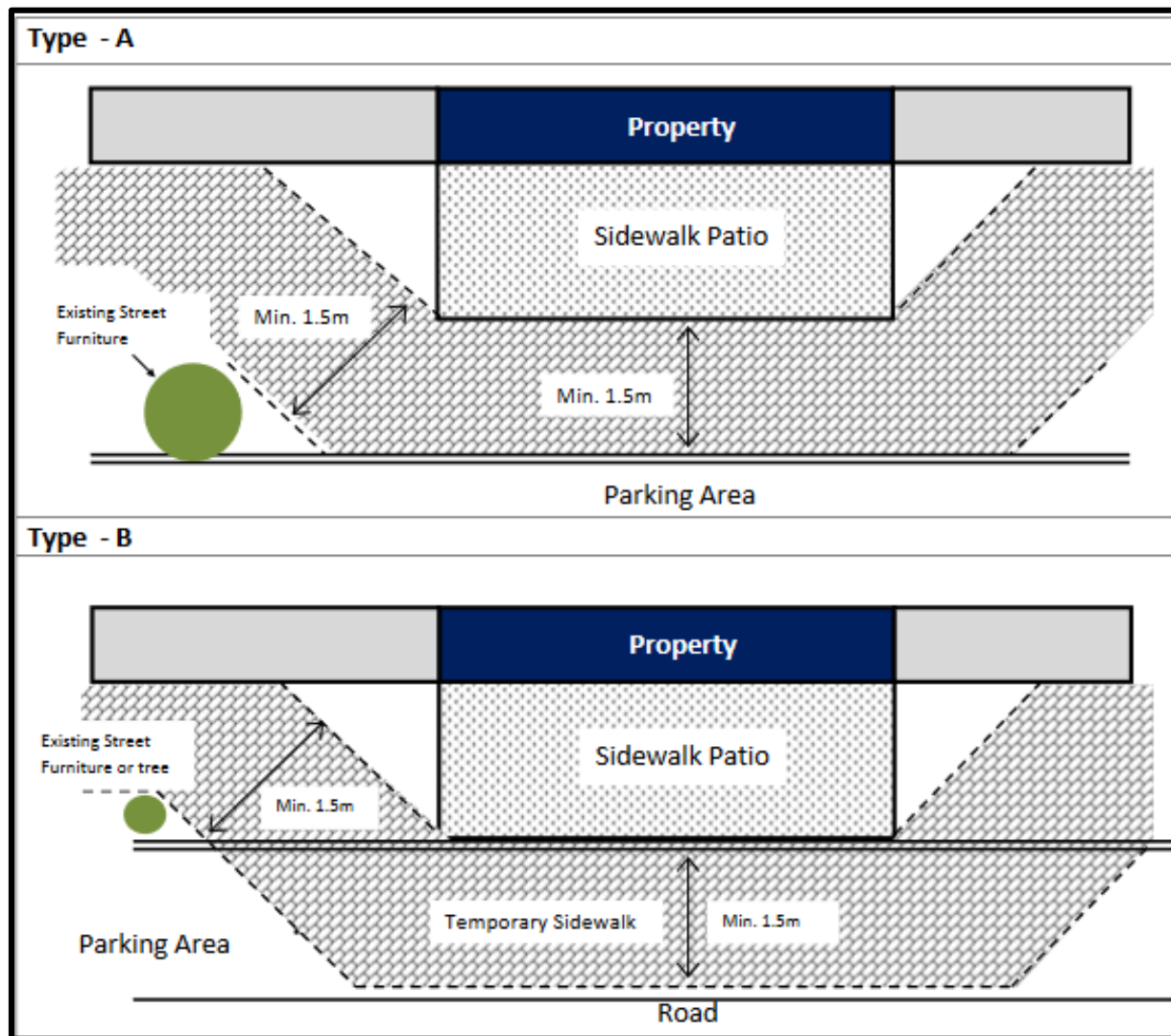


Figure 1: Type A and B Patio Layout

The initial recovery from the COVID 19 pandemic presents a challenging scenario for the City's restaurants as they look to reopen while balancing physical distancing requirements with the need to maintain seating capacities necessary to make the business financially viable. Recent commentary from other jurisdictions has included consideration of closing streets or portions of streets, to facilitate not only patios but also ensure adequate space for pedestrian physical distancing.

The City has received an initial request for consideration from Nikkei Ramen-ya on 5th Street. The application is attached in addition to comments from the owner regarding COVID 19 impacts to his business. Of note he indicates using the patio format he has used in previous years (Type B above) he would have a seating capacity of 45% of normal while the proposal to locate the patio on the road would increase capacity to 75% of normal.

The changes staff are proposing would allow Nikkei Ramen-ya to proceed in addition to allowing staff to expedite approval of future requests.

PROPOSED CHANGES

The proposed addition to the guidelines will add a third option for businesses where the patio occupies one or more on-street parking stalls. This will allow for additional room and compliance with physical distancing requirements. Figure 2 illustrates this option which is restricted to a maximum projection from the curb onto the road of 2.0m and a maximum width equivalent to the width of the business. When businesses obtain letters of support from their neighbours the patio may extend beyond the width of the business storefront.

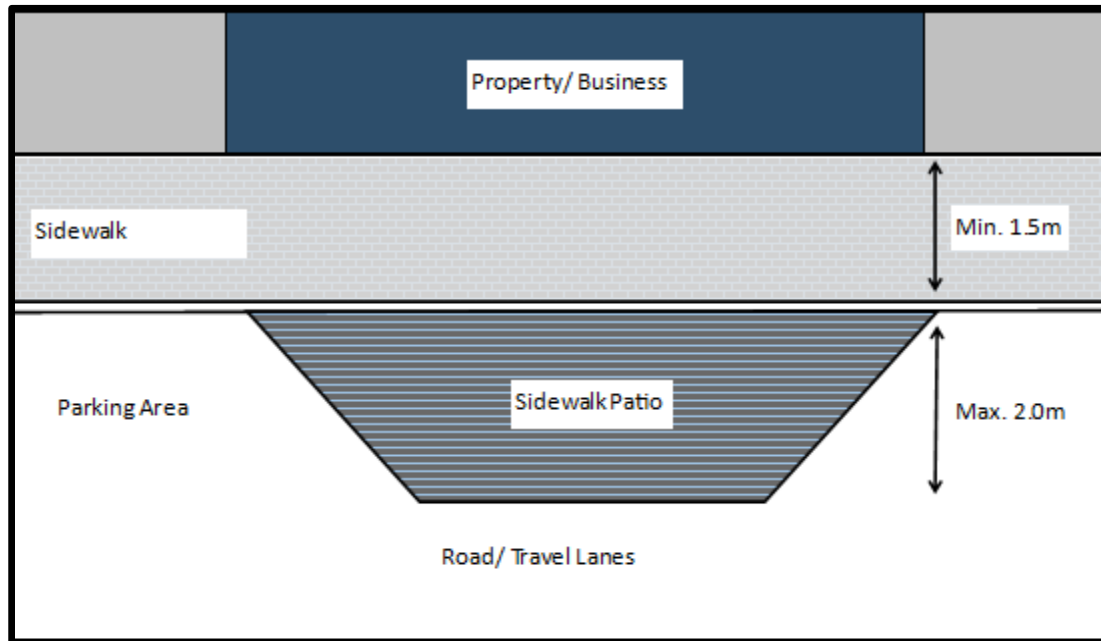


Figure 2 - Diagram of Proposed Type C Patio Layout

Additional changes allows for translucent plastic shields to be installed on top of patio fencing as well as allowing a patio to occupy up to three on-street parking stalls (the current guidelines allows a maximum of two stalls). The requirement to maintain a minimum of a 1.5m sidewalk remains. The guidelines, with the proposed changes shown in green, are provided below:

Item		Details/Specifications
Project		
Area		Downtown (BIA Zone)
Duration		May 1st – November 30th
Location		In front of property abutting sidewalk. Restrictions may apply subject to existing bylaws or regulations (e.g. proximity to intersection or existing infrastructure such as fire hydrant or cross walk).
Operation		Only when business is open. Patio must securely be closed when it is not used.
Operation		
The Patio	Type A	A sidewalk patio that does not occupy more than one half of the width of the sidewalk. Must provide 1.5m unimpeded sidewalk.

	Type B	A sidewalk patio that requires the use of the parking area for pedestrian walkway. Sidewalk constructed in the parking stalls must consist of removable sidewalk sections with a width of 1.5m.
	Type C	A sidewalk patio that maintains up to three on street parking stalls and maintains a minimum 1.5m sidewalk between the patio and business.
Maintenance		Operators are responsible for disposal of all garbage generated by their business.
Design Guidelines		<p><u>Operations</u></p> <p>The sidewalk patio shall comply with all applicable laws and regulations regarding the sale and service of food beverages to the public.</p> <p><u>Fence/Railing</u></p> <ul style="list-style-type: none"> Fencing required between patio area and vehicular traffic must meet necessary concerns. Fence shall not exceed 1.0m in height with the exception of translucent plastic shields. Opening shall be oriented to and open directly along the property frontage or directly to the curb line. Design materials and colours used for the fence shall be compatible with the architectural elements of the surrounding buildings. Planters are encouraged and should be integral with fence structure to maintain a compatible design relationship. <p><u>Devices</u></p> <ul style="list-style-type: none"> Temporary pedestrian walkway or patio areas for Type B and Type C shall be at the same elevation as the abutting curb and sidewalk and have a non-slip finish and flush with the existing curb and sidewalk. Additional sidewalk constructed in the parking stalls is subject to inspection and may require a building permit. Such as umbrellas, shade devices must be securely fastened down and located within the approved area. <p><u>Location</u></p> <ul style="list-style-type: none"> Sidewalk patio shall not disturb traffic safety and circulation. Sidewalk patio shall not be located in area of existing infrastructures such as light pole, bike stand, benches, driveways, or within 0.6m of any building entrance and exit. Sidewalk patio shall have clearance of 6.0m from intersection and fire hydrants. A maximum of 23 parking stalls may be used. <p><u>Additional Requirements</u></p>

	<ul style="list-style-type: none"> The applicant shall obtain the necessary licensing from the Ministry of Public Safety and Solicitor General, the LCLB LCRB and any other applicable regulatory agencies Fences, devices, and all other equipment shall be able to be removed within 24 hours if required by the City for installation, maintenance, repair of infrastructure. Sidewalk patio shall meet all related municipal, provincial, and federal bylaws, regulations, and standards. Accessibility standards shall be met. The applicant shall obtain support letters from adjacent property/business owners, if a sidewalk patio encroaches on adjacent properties or parking stalls immediately in front of an adjacent property/business.
Administration	
Application Form	
Fee	<ul style="list-style-type: none"> Non-refundable \$50 for initial application processing
Photos	Including: <ul style="list-style-type: none"> Building façade Sidewalk Parking area Buildings adjacent to the business operated
Drawing	It must show: <ul style="list-style-type: none"> Area of sidewalk patio (scaled) Proposed pedestrian walkway for Type B (scaled) # of tables and chairs Devices Design of fence (including height)
Copy of Insurance Certificate	<ul style="list-style-type: none"> Minimum insurance of \$5,000,000 with the City of Courtenay as an addition insured. It must include a 30 day written Notice of Cancellation clause.
Copy of Business License	<ul style="list-style-type: none"> Valid Business License
Liquor Licence	<ul style="list-style-type: none"> Valid liquor license

OPTIONS:

OPTION 1: (Recommended)

That based on the May 19th, 2020 Staff Report “Update to the Sidewalk Patio Guidelines” Council endorses changes to the Sidewalk Patio Design Guidelines and authorize the Director of Development Services to approve permits.

OPTION 2: That Council postpone consideration of the changes to the guidelines with a request for more information.

OPTION 3: That Council not proceed with the changes to the guidelines.

Prepared by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Reviewed by:



Ian Buck, RPP, MCIP
Director of Development Services

Attachments:

Attachment No. 1: Application and Correspondence with Nikkei Ramen-ya

Attachment No. 1: Application and Correspondence with Nikkei Ramen-ya



Tue 5/12/2020 6:04 AM

Greg Masuda <nikkeiramenya@gmail.com>

Re: Application and design for patio

To: Buck, Ian

Cc: Cole-Hamilton, Will; Allen, David; Fitzgerald, Matthew; Grimsrud, Michael

Thanks Ian.

I have this to add:

With the patio as proposed, we will be able to seat roughly 75% of what we normally would be able to. Without the patio as proposed, instead using last years "Type B" design, it would be 45%.

While we did manage to pivot to 100% take out for the past 6 weeks, our total sales are still way down (by 65%). Take out will not make up for the smaller dining room capacity. We were in a strong financial position at the start of all this but at these sales levels we WILL bleed out eventually. The extra seating outside this year is very, very important to giving us a chance to turn it around.

Also of note: we employed 10 people (plus me) at a Living Wage or better before this began. We sank to 2 (plus me) in late March when everyone was afraid to come to work. By the end of this week we will have 7 of the 10 people back (plus me). It seems the last three will not be returning so I may need to hire new to fill their positions. I need the tools (i.e. patio capacity) to get sales going in the right direction and keep everyone employed because the federal assistance (which enables me to pay them for now) will not last forever.

Greg

Nikkei Ramen-ya
320 5th Street
Courtenay, BC
V9N 1K1

May 7, 2020

Attn:
City of Courtenay
Planning Services
830 Cliffe Avenue
Courtenay, BC
V9N 2J7
planning@courtenay.ca

Re: Application for 2020 temporary sidewalk patio

To Whom It May Concern:
Please find attached our application for the 2020 sidewalk patio for Nikkei Ramen-ya.

2020 marks the fourth summer that we will have summertime seating outside of our restaurant. 2020 also marks the first year that we have to adapt to the stark and seemingly constant threat to our business that the COVID-19 pandemic is forcing on us. Because of COVID, we need to space out the seating inside our dining room to achieve adequate social distancing between groups of customers. The main purpose of the outdoor seating is therefore to make up for seating lost in the dining room. This new design will help prop up sales and thus assist in preventing our business from failure.

Please refer to the attached drawing for the design. We will re-use the boardwalk sections used in 2018 and 2019 but in 2020 they will be used for patio seating itself. A new fence will be created to enclose this patio, leaving a 6'-wide corridor of the brick sidewalk for pedestrians to pass. The patio will enclose three 4-person picnic tables for a total of 12 seats. Each picnic table is intended to be used by a single party who must be within the same social-distance "bubble" (such as a family). They cannot be shared by more than one party at a time. Each table will be separated by distance and plexi/lexan barriers to ensure the integrity of each party's "bubble". Tables that are close to the pedestrian sidewalk will also have plexi/lexan barriers to separate patrons from passersby. Each table will have an umbrella to shade the patrons from the afternoon sun can be quite unbearable on certain days in the summer.

In addition to the drawing please find attached the application form, insurance certificate, business license, photos, and support letters from our neighbours FindHersKeepHers and Engel and Volkers, and from our landlord, Renkema Investments. Since the City office is closed I cannot pay the application fee of \$50 by normal means so please give me instructions on how to pay the fee.

Time is of the essence in processing/approving this application so that construction of the new components can commence and that we can begin to host customers asap.

If you have any questions or need further clarification, please do not hesitate to contact me at the number below.

Regards,
Greg Masuda
Nikkei Ramen-ya
c. (604) 616-2223
nikkeiramenya@gmail.com

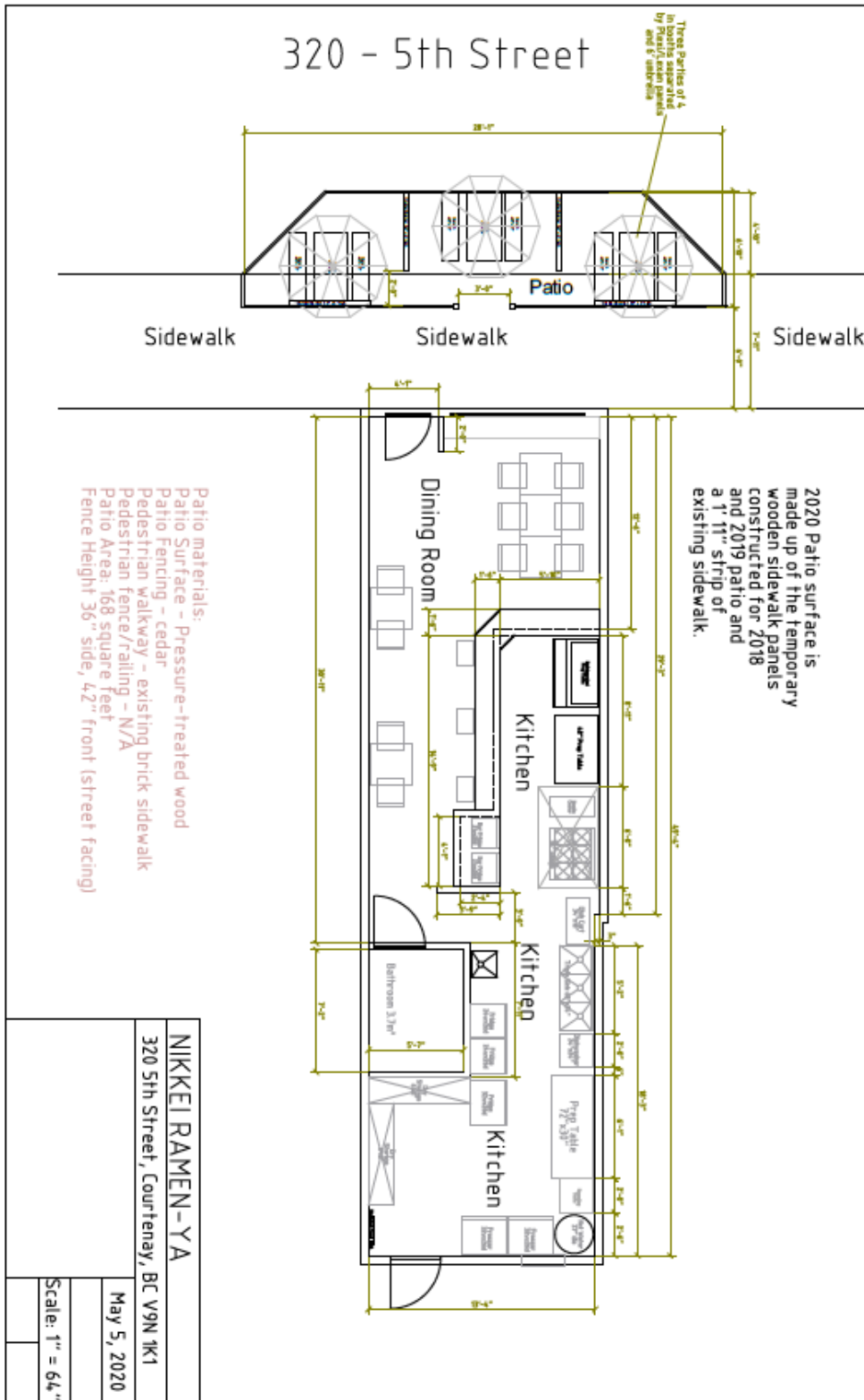


Photo of 2018 Patio

