

Memo

To: Members of Council
From: Rebekah Diec Stormes
Date: January 30, 2024
Subject: Seasonal Commercial Patio Program

Comments

This memo serves to report back to Council on the Seasonal Commercial Patio Program, following the report and presentation provided at the September 6th, 2023 Budget Committee meeting. Following the budget committee meeting, staff continued to work with engineering firm CIMA+ to determine any additional safety equipment required for on-street patios and consulted with the Executive Directors of the Business Improvement Areas regarding the proposed program. All three BIAs are supportive of the program and believe that it has benefitted and will continue to benefit the merchants. There was some concern expressed regarding the implementation of fees and the cost increase to participants who have had fees waived for the past 3 years, while also recognizing that there are costs associated with delivering the program. Staff will continue to work directly with the BIAs to implement the program and share communications.

The costs associated with the associated program were approved through the 2024 budget process. Council approved fees at a 70% subsidized rate in order to keep the program financially viable while at the same time allowing the town to recoup some costs associated with administering the program and staying in compliance with the town's User Fee policy.

The Seasonal Commercial Patio Program is now a permanent program and a new level of service in 2024. This program applies only to patios located on municipal property within the streetscape.

Administration

The Economic Development department will take on the administration of the Seasonal Commercial Patio Program starting in 2024. Economic Development will coordinate with all internal departments to deliver the program. The department will also begin the work

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to develop an online portal for the patio program, scheduled for implementation in the 2025 season.

Timing

The Seasonal Commercial Patio Program will run annually from May 1 to November 1. There will be full removal of all patio installations on municipal rights of way between November and April.

Patio Permits

Participants are required to obtain an annual permit from the Town. User fees, including permit fees and parking space rentals, will be implemented in 2024. Through the 2024 budget process, Council approved partially subsidized user fees to help keep the program financially viable for participants while at the same time allowing the town to recoup some costs associated with administering the program.

Applicants will be required to have a minimum \$2 million liability insurance coverage naming the Town as additional insured. Fees and insurance requirements will continue to be monitored and may be adjusted as necessary in the future. Patio permit fees can be found in the [2024 Rates and Fees Schedule](#) and range from \$54 for an outdoor display to \$414 for a patio with an enclosure on the sidewalk/boulevard or an extended patio with enclosure in a parking space. Rental fees for parking spaces are not shown in the 2024 Rates and Fees Schedule; however, parking spaces will have a user fee of \$562 per space for the entire season.

New to the 2024 program will be an earlier permit application period for on-street patios, from Feb 26th – March 22nd. This advanced application period will allow for comprehensive planning and coordination in assigning the on-street parking spaces, particularly in the Business Improvement Areas where there is higher demand for the use of on-street parking spaces. Interested participants will still be able to apply for on-street patios after this initial application period, however, their desired location/layout may not be available. Patio applications for all other types of patios (boulevard, bistro, etc.) will open March 22nd and can be submitted throughout the duration of the patio season. Communications about the program will be released in early February to the public and will be provided to the BIAs in advance of the public communications.

Patio Placement

Formalizing guidance and rules for the placement of patios has been a focus of the development of the permanent Seasonal Commercial Patio Program. All patio placements will be reviewed and determined by Transportation and Engineering staff

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with a focus on ensuring accessible and safe patio installations. Table 1 provides an overview of key requirements for the program.

Table 1: Patio Placement Guidelines

	Requirements	Additional Information
Patio Placement	Patio to align with frontage of restaurant /café	For on-street patios: minimum of 1 and maximum of 2 parking spaces per restaurant and tied to premises frontage length
Encroachments	No encroachment into pedestrian clearway	This includes patio enclosures, décor, furniture, umbrellas, signage, etc.
Street Furnishings	No removal, blockage or relocation of street furnishings	This includes bike racks, benches, pay and display machines, etc.
On-street parking space use	Maximum of 2 parking spaces per restaurant where space permits	User fee applied Cannot use EV charging, accessible, or loading spaces
Platforms	Required for all on-street patios	Participants to provide and maintain at own cost
Safety equipment	May be required in certain instances	This includes signage, centre line treatments, etc. Town to purchase and deploy

A new user guide will be launched on the patio webpage, providing more detailed information to program participants.

Safety Equipment

In 2023, program participants with patios in on-street parking spaces were required to install planter-box barriers on the exterior corners of the patio to increase safety for patrons. The town rented and deployed the barriers at no cost to program participants.

Staff engaged engineering firm CIMA+ to undertake a review of the installation of on-street patios and associated safety barriers specific to the Oakville context and to provide staff with a set of guidelines to be applied when considering patios located in on-street parking spaces. These guidelines are meant to assist staff in determining the **Town of Oakville** | 1225 Trafalgar Road, Oakville L6H 0H3 | 905-845-6601 | oakville.ca

required level of roadside protection for a patio, based on an assessment of context which includes road classification, operational speeds of the road and the location within the parking bay. Based on their guidelines and review of operational speeds in each of the three BIAs, it was determined that roadside protection (e.g. barrier systems) are not currently required; however, the following traffic calming/safety measures will be applied for the 2024 season:

1. New edge line treatment to create 3.5 metre wide lane for street blocks that have an on-street patio. Based on 2023 applications, staff anticipate adding the edge line to the locations listed below. Should any additional applications come forward, those locations will be added.
 - a. Both sides of Lakeshore Road for all seven blocks in Downtown Oakville
 - b. One block on Bronte Road - Ontario Street to Marine Drive, and
 - c. Three blocks of Kerr Street, from Herald Avenue to Westside Drive; from Westside Drive to Deane Avenue and from Rebecca Street to John Street.
2. New road signs to inform motorists of upcoming patios will be deployed to each block with an on-street patio.
3. Vertical centreline treatment (in-street flexible signs) may be used within the blocks of Kerr Street, north of Rebecca Street, should patio applications be received in this area.
4. Planter-box barriers will continue to be used in 2024.

Operating speeds will continue to be monitored annually to determine if any additional safety measures are required in the future.

In the Budget Committee report, [Seasonal Commercial Patio Program](#), dated August 29, 2023, it was noted that for the permanent Seasonal Commercial Patio Program, the town would purchase the required safety equipment and charge rental fees to program participants. Based on the guidelines from the CIMA+ report, staff will not be charging rental fees as the full barrier systems will not be required in any of the on-street parking locations, but appropriate traffic calming measures (e.g. edge line painting, signage, centre line treatments, etc.) will be purchased and deployed. Following the 2024 program, staff will assess whether any changes need to be made to the user fees for 2025 to ensure the fees capture the cost of delivering the program and are in compliance with the principles of the town's User Fee policy.

Church Street Parking Garage Closure

Staff have assessed the impact of the upcoming Church Street Parking Garage closure and have determined that the closure will not impact the patio program in Downtown Oakville, based on the number of on-street parking spaces used in the 2023 season.

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Should there be a significant increase in the demand for using on-street parking spaces, this situation will be reassessed. The earlier application period for on-street patios will allow staff to identify issues early.

Summary – What’s new for 2024?

Patios continue to be popular and offer multiple benefits to businesses, residents, and visitors. Program participants will see the following changes for the 2024 patio season:

- Dedicated resource in the Economic Development department
- Earlier application period for on-street patios and comprehensive planning of street blocks;
- New temporary traffic calming measures including signage and centre-line treatments, where needed;
- Formalized patio placement guidelines; and
- Implementation of user fees, including permit fees and parking space rentals, at a subsidized rate.