

Staff Report

Report To: City Council
Report From: Pamela Coulter, Director of Community Services
Meeting Date: May 8, 2023
Report Code: CS-23-051
Subject: River District Patios – Ontario Traffic Council Guidelines for Patios within the Right of Way

Recommendations:

THAT in consideration of Staff Report CS-23-051 respecting River District Patios – Ontario Traffic Council Guidelines for Patios within the Right of Way, City Council:

1. Authorizes the procurement of barriers for the three existing patios in the River District in accordance with the guideline from the Ontario Traffic Council; and
2. Approves the expenditure of \$20,000 to \$26,000 plus HST from the City's capital reserve.

Highlights:

- Patios in the right of way in the River District area are one way the City encourages a vibrant and pedestrian area.
- Guidelines issued from the Ontario Traffic Council recommend barriers to ensure universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by introducing a patio within the road authorities' right-of-way.
- Council is requested to implement the guideline and authorize the procurement of barriers to properly protect the three existing patios in the River District.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

[Street Furniture & Sidewalk Patio Design Guidelines](#)

Background:

Sidewalk patios are outdoor extensions to existing restaurant/bar establishments that are located on City-owned property, such as the sidewalk or municipal on-street parking spaces. Street furniture and sidewalk patios are often located within the City's Harbour & Downtown area.

The City's Official Plan looks to foster a vital and diverse local and regional economy through objectives including maintaining and enhancing the viability and vitality of the River District. The River District policies encourage the accommodation of uses such as restaurants, patios and entertainment facilities to maintain the attraction to locals and tourists.

The vision for the Downtown, as reflected in the City's Official Plan (OP), supports a vibrant, active, and attractive Downtown with a pedestrian environment that is comfortable, accessible, and aesthetically pleasing. The urban design policies of the OP emphasize the provision of street furniture and amenities that encourage public activity and pedestrian traffic.

The River District Action Plan, under the 'River District Experience Development' pillar has an objective to "Create an Engaging Space"; one of the actions is to continue the implementation of policy that encourages sidewalk cafes and patio dining to increase the approachability and create a warm ambiance for the River District.

In 2020 and 2021, with COVID restrictions, patio dining helped restaurants increase opportunity for capacity while maintaining distancing. While patios saw a resurgence during the pandemic, many restaurants received positive feedback and wished to continue. This is consistent with the vision for the River District. The patios have encouraged public use of the public space and

have created the animation within the River District that is envisioned by the Official Plan.

With COVID restrictions and the importance of processing applications for sidewalk patios in an expeditious manner, the approval was delegated by Council to City staff. The Development Team, including Engineering, Fire, and Planning & Heritage Divisions review the design of the patio.

Three existing patio agreements exist for patios within the 900 block of 2nd Avenue East. The City's agreements with the operators are from 2022 to 2024.

Analysis:

In the spring of 2022, the Ontario Traffic Council issued Restaurant Patio Guidelines for Patios within the Right of Way.

According to the document, the purpose is to provide road authorities with guidelines relating to patios within the public right-of-way (i.e., sidewalk, boulevard, on-street parking space, and curb lane). The intention of applying these guidelines is to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by introducing a patio within the road authorities' right-of-way.

For all patios occupying either a parking lane or a curb lane on a roadway, a roadside barrier (along with a crash cushion or attenuator in some situations) must be installed to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables or restaurant staff serving patrons. The guideline notes that road authorities are free to either enhance or remove elements from the patio layouts based on local traffic conditions and their engineering judgment. Considering potential risk management and the traffic conditions on 2nd Avenue East, staff are recommending moving forward to comply with the recommended level of protection in the guideline.

Based on the placement of the three current patios, barriers would be required in advance and along the traffic lane of the patios in accordance with Attachment 1.

There are two barrier designs that meet the required crash attenuation standard. One has a heavy concrete base with a more tubular fence-like structure, and the second is a water-filled barrier. Pricing estimates have

been received for both styles, and the water-filled barriers are more economical.

Staff are working with the Manager of Corporate Services to competitively price the supply of the barriers. Based on 35 barriers, the cost is expected to be between \$20,000 and \$26,000 plus HST. The Parks Division currently has six orange barriers (used in winter months) that, if compatible and if they meet the required standard could be deployed to reduce the number to be purchased. Staff anticipate that pricing will be finalized to be reported at the Council meeting.

The barriers would be installed by City forces leading up to patio season and removed in October prior to snow removal commencing.

During the off-season, staff will evaluate opportunities to deploy the barriers to other uses in Public Works and Parks.

Future Review

The current Downtown Street Furniture & Sidewalk Patio Guidelines is a 2011 document. This policy will be updated as part of the overall City Policy update project.

Financial Implications:

In consultation with the Director of Corporate Services, it is recommended that the unanticipated one-time cost be paid from the capital reserve. Council approval of this expenditure is required.

The financial costs associated with placing and removing will be done within the current operating budget.

Communication Strategy:

Staff has been in communication with the three current patio operators.

Consultation:

Public Works and Engineering and Planning and Heritage Staff, City Manager, Manager of Corporate Services, Fire Chief.

Attachments:

1. Illustration of barrier placement for patio

Recommended by:

Pamela Coulter, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Pamela Coulter, Director of Community Services, at pcoulter@owensound.ca or 519-376-4440 ext. 1252.