



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: July 3, 2006
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Meeting Date: July 18, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Review of Expansion of Sidewalk Patio Program and Minor Amendment to Guidelines

RECOMMENDATION

- A. THAT the Sidewalk Patio Guidelines be amended so that pedestrian clearance requirements adjacent to sidewalk patios on the Yaletown Docks are consistent with these requirements in other areas of the city;

CONSIDERATION

- B. THAT staff be directed to undertake a public consultation process on a possible expansion of the Sidewalk Patio Program to liquor primary establishments generally as outlined in this report with funding of \$9000 to be provided from within the 2006 Operating Budget as identified in this report;

AND

- C. THAT the Waldorf Hotel be permitted to retain its sidewalk patio railing on City streets pending the policy review and subject to the patio area not being used by the hotel and its patrons and subject to the retention of adequate liability insurance coverage for the railing and that other than this exception, staff enforce the City's current sidewalk patio guidelines.

COUNCIL POLICY

On July 24, 1997, Council approved sidewalk patio guidelines requiring:

- That sidewalk patios be permitted only adjacent to a restaurant or limited service food establishment
- That a minimum of 2.5m (8ft) clearance for pedestrians be maintained adjacent to sidewalk patios in most commercial areas, and up to 3.7m (12ft) or more in areas of high pedestrian volumes such as near intersections. To maintain the spacious heritage nature of Yaletown, a 3.0m (10ft) width will be maintained.

On July 24, 1997, Council reviewed the possible expansion of the sidewalk patio program to downtown pubs and approved a recommendation to not expand the program based on concerns about noise and rowdy behaviour.

The City's current sidewalk patio guidelines are attached in Appendix A.

Council dedicated the loading docks in Yaletown as road on February 18, 1993 (Mainland Street) and July 19, 1995 (Hamilton). Council also approved the Yaletown Dock Guidelines, which include the requirement that furniture and landscape placement not obstruct the pedestrian corridor, which is generally 3m (10ft). On October 10, 1996, when considering policy on sidewalk patios, Council approved a recommendation confirming that this guideline applies to sidewalk patios on the Yaletown docks.

PURPOSE

This report outlines a process for reviewing a possible change to the City's guidelines for sidewalk patios to allow patios adjacent to liquor primary establishments. This report also provides information on a hotel pub that has installed a railing on City streets for Council's consideration and recommends a change in the sidewalk patio guidelines in the Yaletown area of the city to make them consistent with the rest of the city.

BACKGROUND

On May 4, 2006, Council approved the following motion on the City's sidewalk patio program:

" WHEREAS

- 1. Outdoor patios animate Vancouver's streets.*
- 2. Animated streets are safer streets.*
- 3. Several Vancouver pubs share facilities with restaurants.*
- 4. Neighbourhood pubs provide a local place for people to socialize.*

THEREFORE BE IT RESOLVED THAT

- 1. Vancouver City Council request staff report back, in six weeks, on a process to review the impact of expanding the Sidewalk Café program to neighbourhood pubs and hotel pub/lounges, including costs, timelines and the recommended scope of public consultation."*

During that meeting, Council also considered whether to enforce the removal of a railing that had been installed on the sidewalk in front of the pub outside the Waldorf Hotel. Council requested additional information on this installation prior to making a decision on this railing.

Recently, the Yaletown BIA and restaurants in the Yaletown area have requested a relaxation in the guidelines governing sidewalk patios on the Yaletown docks. The requested relaxation is to require only a 2.5m (8 ft) unobstructed pedestrian corridor on the docks instead of the current 3m (10 ft).

DISCUSSION

1. Review Process for sidewalk patios outside pubs/lounges

There are approximately 250 liquor primary establishments throughout the city, many in residential areas. Permitting patios adjacent to these establishments would expand the opportunities for animating the streets and for socializing, but could also result in more noise disruptions to the city's residents. Therefore, in addition to industry stakeholders, the review process will need to take into account input of the city's residents.

The policy review will also need to consider patios adjacent to restaurants which can serve liquor in patio areas with food. Under Provincial liquor licensing regulations, restaurants can designate up to 20% of their seating area as lounge (eligible to restaurants with more than 50 seats). The policy review should clarify whether restaurants can designate all or a portion of their sidewalk patios as lounge area.

The proposed principles, scope and stakeholders for the review are identified in Appendix B. The principles approved by Council on November 20, 2003, when dealing with hours of service for liquor primary establishments are relevant for this review. A public opinion survey of the city's residents is proposed to augment input from the identified stakeholders.

The proposed process and timelines for the review are as follows:

Sidewalk Patio Review - Process & Timelines	
Process	Timing
1. Review existing City & Provincial processes and requirements with respect to liquor licensing in outdoor seating areas	Aug, 2006
2. Review practices of other cities	Sept, 2006
3. Stakeholder meetings	Sept - Nov, 2006
4. Public Opinion Survey	Oct, 2006
5. Summarize issues, options and feedback	Dec, 2006
6. Public Open House	Dec, 2006
7. Report To Council	Jan, 2007

2. Railing outside the Waldorf Hotel

In July, 2005, the Waldorf Hotel (1489 E. Hastings Street) received a permit for a sidewalk patio on the sidewalk in front of the hotel. In the original application, the hotel identified that the patio would be adjacent to a restaurant in the hotel. Subsequently, staff noted that there was no restaurant adjacent to the patio, so staff cancelled the patio license following the end of the first year term, on March 31, 2006. The owner has requested permission to leave the railing in place and not use the area pending the outcome of the policy review.

The following will provide additional information on this particular patio railing:

- The railing is bolted to the sidewalk and bolted together in 3m (10ft) sections
- Removal of the railing can be done without damaging the railing and could be accomplished in about two hours for an estimated cost of under \$500
- The railing is located on the sidewalk and occupies an area of approximately 26 sq.m. (280 sq.ft.)
- The sidewalk at this location is about 6m (19.5ft) wide and the sidewalk patio narrows the unobstructed width to 3.75m (12.25ft)
- The standard patio fee for this space would be \$2150/year

Leaving the railing in place at this location while the policy review is taking place would not likely create any problems as far as pedestrian traffic on the sidewalk is concerned. If Council approves the request for the owner to leave the railing in place, then it is recommended that this be done on the basis that the patio area not be used by the hotel or its patrons, that the hotel maintain adequate liability insurance coverage for the railing and that staff continue to enforce the current policies for sidewalk patios at other locations.

3. Patios in Yaletown

Restaurant patios are very popular in the Yaletown areas with a total of 23 patio licenses approved on the docks. The Yaletown Dock Guidelines require that railings and furniture placed on the docks not obstruct the pedestrian corridor which is generally 3m (10ft.). This extra width was required on the basis of a projected future increase in pedestrian volumes on the docks. The current sidewalk patio guidelines require a minimum 2.5m (8 ft.) of unobstructed sidewalk in most commercial areas and this has been found to provide a satisfactory balance between space for sidewalk patios and pedestrians.

The nature of the businesses on the docks is such that the pedestrian traffic is mostly destination-oriented instead of browsing/shopping-oriented. As a result, pedestrian volumes are low relative to other areas of the downtown and a 2.5m (8 ft.) unobstructed sidewalk should be adequate. It is recommended that the width for Yaletown be consistent with other commercial areas of the city. This would require a 2.5m (8ft.) corridor clear of any obstructions such as planters and other street furniture and would be permitted only where railings exist at the edge of the docks. It should be noted that this requirement would be considered a minimum and staff will monitor pedestrian activity in the area and will increase the clearance requirement if pedestrian volumes or other conditions warrant.

FINANCIAL IMPLICATIONS

To accelerate the policy review, it is proposed that a consultant be hired to document the current municipal and provincial requirements around liquor service to outdoor seating areas and to survey other cities' practices with respect to sidewalk patios adjacent to liquor primary establishments.

Funding will also be required for a public opinion survey, and advertising and meeting expenses.

The proposed budget for the public process review is as follows:

Budget for Review of Sidewalk Patio Program	
Item	Budget
1. Consultant (to gather information)	\$3000
2. Public Opinion Survey	\$3000
3. Advertising/Communications	\$2000
4. Meeting expenses	\$1000
Total Budget	\$9000

Funding for this type of one-time review is not currently budgeted. It is recommended that the costs of this review be funded from 2006 vacancy savings in the Streets Administration Branch of Engineering Services.

CONCLUSION

The public review process outlined in this report would provide for a review of the possible expansion of the sidewalk patio program to liquor primary establishment and report back to Council in January, 2007. It is recommended that the railing installed outside the Waldorf Hotel pub be allowed to remain pending this review.

A minor amendment proposed to the sidewalk patio guidelines with respect to patios on the Yaletown docks will make the guidelines consistent with other areas of the city.

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Current Sidewalk Patio Guidelines

The guidelines for sidewalk patio design are quite general to encourage a variety of looks by restaurant owners. Each approved sidewalk patio shall:

1. directly abut the restaurant so patrons and servers do not cross the flow of sidewalk pedestrian traffic.
2. be adjacent to the restaurant's property (frontage or flankage).
3. leave sufficient unobstructed sidewalk width for the comfortable passage of pedestrians. This will be a minimum of 2.5 m (8 ft.) in most commercial areas, and up to 3.7 m (12 ft.) or more in areas of high pedestrian volumes such as near intersections. To maintain the spacious heritage nature of Yaletown, a 3.0 m (10 ft.) width will be maintained.
4. have a mandatory closing hour of 11:00 p.m. if they are in, or within 200 feet of, areas that have residential uses.
5. not block access to Fire Department connections or exits from the adjacent building.
6. carry insurance satisfactory to the Director of Risk Management.
7. be marked off by means of planters or railings that have an 'OPEN' appearance. Bollard and chain fencing is not permitted as it poses a hazard to pedestrians with a visual disability. The maximum height allowed is 1 metre (40") and the minimum is .75 m (30"). The use of plants is encouraged, although planters may not form a continuous solid barrier.
8. be constructed so that it can be completely removed within 24 hours if required. Decks, platforms and structures are NOT permitted except to level a significant grade difference in the sidewalk or to harmonize indoor and outdoor seating levels.
9. have some covering for the general seating area. Umbrellas may be used but may not be attached to railings. If a canopy or an awning is used, it may NOT use supports which rest on City street allowance and appropriate permits must be obtained.
10. after October 31st each year, you may either:
 - a) leave only 3 tables and 6 seats, in accordance with the guidelines for small sidewalk patios, or
 - b) pay the winter term fee by November 1st if you wish to leave any railings or structures in place.
11. have a valid business license as a restaurant or a limited service food establishment.
12. obtain a liquor license extension if liquor is to be served in the sidewalk patio.
13. enter into a license agreement with the City.
14. pay a permit fee based on location and square footage (\$100 of this is paid upon application and is non-refundable). Payment may be by post-dated cheque and is due before the opening of each term (on March 1, July 1 and November 1), provided that no post-dated cheque is under \$200.00.

PLEASE NOTE: Inspections of the site may be carried out by Engineering Services before, after, and during sidewalk patio operations. However, the City is under no obligation to perform such inspections and these inspections in no way relieve the applicant from the obligation to comply with these guidelines and the terms of the Sidewalk Patio Permit.

Review of Policy for Sidewalk Patios adjacent to Liquor Primary Establishments

1. Principles

The following principles were endorsed by Council on November 20, 2003 when reviewing extended hours of service policy for liquor primary establishments, and are appropriate in guiding this review:

- Take into account relevant existing City policy pertaining to land use and liquor licensing while considering new directions.
- Confirm or define the city's entertainment zones as well as commercial areas appropriate for later-night entertainment uses. In doing so, consider neighbourhood character and residential tolerance for noise associated with liquor licensed establishments.
- Ensure residential liveability is maintained in areas that are primarily residential.
- Ensure negative impacts of liquor licensed establishments on local residents and businesses are reduced.
- Support increased opportunities for entertainment in liquor licensed establishments.
- Maximize the operational flexibility for Liquor Primary businesses.
- Maximize economic returns to the city from tourism and increased industry vitality.
- Consider the economic health of neighbourhoods.
- Provide a safe environment for citizens and visitors to enjoy the city's nightlife.
- Ensure the City maintains the ability to be responsive to future issues and concerns of area residents and businesses.
- Provide a variety of ways for a range of stakeholders to participate in the process and ensure that the opinions of both those directly affected and those in a wider community are sought.
- Consider the financial and social costs to the City, both direct costs (additional Policing and other staff costs) and where possible, indirect costs (such as effects of alcoholism and vehicular accidents).

2. Scope

The review will cover the following issues:

- Hours of Service
- Size of patio and impacts on other uses of sidewalk space
- Eligibility (eg - type of liquor establishment)
- Potential impacts to residents (noise)
- Potential enforcement issues (hours of closing, rowdy behaviour) and resource implications
- Equity with restaurant use of patios for lounge areas
- Process for approval of patios including extent of public input
- Fees for use of sidewalk space
- Loading/occupancy of establishment
- Access/egress control

3. Stakeholders

Industry

- Restaurant Associations
- Association of Beverage Licensees (ABLE)
- Bar Watch

Community

- Business Improvement Associations
- Resident Associations
- General Public

Staff/Governmental

- Vancouver Coastal Health Authority
- Liquor Control Branch (Province)
- Planning
- Licenses & Inspections
- Vancouver Police Department
- Social Planning
- Tourism Vancouver
- Advisory Committee on Disability Issues
- Advisory Committee on Senior's Issues