

April 17, 2013

To: Members,
Regina Planning Commission

Re: Amendment of *The Clean Property Bylaw No. 9881* – Outdoor Restaurant Regulations

RECOMMENDATION

1. That Schedule “G” of *The Clean Property Bylaw No. 9881* be replaced with the proposed Schedule “G” as referenced in Appendix A attached.
2. That the City Solicitor be instructed to prepare the amending bylaw to *The Clean Property Bylaw No. 9881*.
3. That this report be forwarded to the April 29, 2013 City Council meeting to allow sufficient time for advertising of the required public notices for the amendment of *The Clean Property Bylaw No. 9881*.

CONCLUSION

The Regina Downtown Neighbourhood Plan (RDNP) directs the Administration to focus its efforts towards creating a vibrant, active, pedestrian-friendly downtown. The update of Schedule “G” of *The Clean Property Bylaw No. 9881*, will address Action C.7, items 1 & 2 of the RDNP, by permitting outdoor restaurants on City sidewalks and on seasonal boardwalks in the parking lane. These changes will also formally reflect in policy the highly successful, incidence of a seasonal boardwalk that has occurred annually on the 1900 block of Scarth Street since 1994.

While the policy update will ensure that the economic impact of allowing outdoor restaurants to operate seasonally in the parking lane is revenue neutral to the City of Regina, there are potential benefits to the City in terms of increasing the vibrancy of Downtown as well as economic benefits to restaurants themselves and other businesses due to increased foot traffic.

The update proposes the establishment of design criteria to ensure that outdoor restaurants and seasonal boardwalks are of commercial quality, ensuring that they contribute positively to a safe, enjoyable and harmonious public realm. The proposed update aligns with the policies of the *Saskatchewan Liquor and Gaming Authority* (SLGA).

BACKGROUND

Action C.7, items 1 & 2 of the RDNP identify outdoor restaurants and their seasonal expansion into adjacent parking lanes as a way to increase vibrancy in Downtown Regina by enhancing the role of Downtown as the heart of Regina, and by creating a clear sense of place through an emphasis on pedestrian-oriented urban design. While Downtown Regina has many of the critical elements required to create a thriving Downtown, it sometimes struggles to support a critical mass of those activities beyond regular work hours. This, in turn, can limit the viability of restaurants, galleries, services, cafés and retail outlets.

Responding to the RDNP's direction to create a thriving Downtown, the Administration proposes to update Schedule "G" of *The Clean Property Bylaw No. 9881*, governing outdoor restaurants. Current regulations limit outdoor restaurants to those sidewalks with enough width to accommodate both pedestrian traffic and outdoor seating (Appendix B).

Regina currently has no outdoor restaurants operating in the Downtown or elsewhere in the right-of-way in locations where the sidewalk width is 3.66 metres or less, which represents the majority of Downtown. Proposed changes to Schedule 'G' formally permit the extension of seasonal boardwalks into the parking lane to support larger and more enhanced outdoor restaurants similar to those that have been in place as a pilot project since 1994 on the 1900 block of Scarth Street.

DISCUSSION

The *Regina Downtown Neighbourhood Plan* guides the City's commitment to creating a vibrant, active, pedestrian-friendly Downtown. Action C.7 of the RDNP directs the Administration to:

1. Prepare a patio Management Strategy to guide the use of outdoor public space for cultural or retail uses;
2. Consider allowing the temporary use of on-street parking spaces to expand the public realm in warmer months.

The provision of outdoor restaurants will enhance the overall image and economic vitality of Regina by increasing the interest and service of the streetscape to the people using it. The current regulations for outdoor restaurants restrict vendors to the narrow confines of the sidewalk located adjacent the dining establishment (Appendix B). This restriction discourages a thriving streetscape by reinforcing the preference of parking over a more active street use.

Regina's Downtown has narrow road right-of-way widths. On the one hand, narrow right-of-way widths help to create an intimate, comfortably scaled pedestrian environment. However, the same right-of-way width also results in narrow sidewalks that make it difficult to accommodate many of the pedestrian oriented activities and services which are part of a vibrant, modern downtown.

Municipalities throughout Canada such as Halifax, Kitchener, Winnipeg, Saskatoon, Calgary, Edmonton and Victoria, have successfully implemented programs to share the public right-of-way by extending outdoor restaurants into parking lanes. The update of Schedule "G" of *The Clean Property Bylaw No. 9881* is designed to encourage outdoor restaurants by permitting seasonal boardwalks in the parking lane.

Seasonal Boardwalks in Parking Lanes

From April to mid-October seasonal boardwalks would be permitted to occupy a parking lane for the purpose of creating a barrier free pedestrian corridor around an outdoor restaurant that occupies the whole width of the existing sidewalk. Seasonal boardwalks are designed to offer restaurants located in parts of the City where buildings are built right to the property line the option of providing outdoor restaurant service (Appendices C & D) in front of their property. The seasonal boardwalk functions like a City sidewalk, allowing pedestrian traffic passage past the outdoor restaurant.

Alternatively, the seasonal boardwalk could house the outdoor restaurant itself with pedestrian traffic remaining on the City sidewalk. These two seasonal boardwalk options offer a degree of flexibility and adaptability to restaurant vendors with unique or restrictive site elements.

Boardwalk Design Safety, Durability and Accessibility

To ensure public safety, each boardwalk must be designed by a licensed Saskatchewan designer to the satisfaction of the City. The surface of the deck shall have no protrusions and be made of timber or composite decking with sections securely fastened together. Decking must be tightly spaced to prevent heels or mobility devices such as canes from becoming caught. Each boardwalk must be created and installed by the restaurant vendor and affixed flush to the sidewalk, providing seamless access for persons with disabilities and special needs. Elements requiring anchoring into the right-of-way must be approved in writing by the City.

To ensure motorists, cyclists and pedestrians are aware of the seasonal boardwalk; a significant and reflective vertical design element shall be installed along the outer edges to indicate its presence. This might include planters and fences, or some other creative element that contributes to a visual awareness for the purpose of public safety. Seasonal boardwalks must be designed such that they can entirely be removed and the public sidewalk returned to its original condition within 24-hours in the event that City maintenance, reconstruction, road widening or access to underground utilities is needed.

Location Criteria for Seasonal Boardwalks

The general concept of outdoor restaurants with seasonal boardwalks, although ideally suited for locations with high pedestrian foot traffic like the Downtown and surrounding central areas, is not limited to the centre of the City. The outdoor restaurant regulations apply to the entire City allowing for many different outdoor restaurant possibilities, especially when combined with the option of seasonal boardwalks. Applying this regulation to the entire City, subject to the Zoning Bylaw's limitations on outdoor eating areas to certain zones, gives all restaurants equal opportunity to be innovative, if they wish to exercise this option.

There are however, limitations to the placement and location of boardwalks to ensure all forms of traffic, including both vehicle and pedestrian, are not hindered. For example, boardwalks are not permitted along arterial or freeway roadways, main bus routes, and designated bus lanes or in front of a bus stop, taxi stand, loading zone or pedestrian ramp.

Reporting

Reporting on the impact of the proposed policy change, including the level of uptake and parking stall impacts will be addressed as part of the annual report to Council on the implementation of the Regina Downtown Neighbourhood Plan.

RECOMMENDATION IMPLICATIONS

Financial Implications

All costs associated with the permitting of outdoor restaurants including charges to offset the loss of on-street parking stalls will be born by the applicant.

The proposed amendment to Schedule “G” of *The Clean Property Bylaw No. 9881*, allowing seasonal boardwalks to occupy metered parking lanes, is designed to be revenue-neutral to the City. Vendors looking to replace metered parking with a seasonal boardwalk will be required to compensate the City for the loss of parking revenue in accordance with the permit fees established under Schedule “J”, Section 65 of the *Traffic Bylaw No. 9900*.

The Administration anticipates that by permitting the expansion of outdoor restaurants onto seasonal boardwalks during the warmer months, restaurant owners stand to benefit from increased visibility, activity and revenue generation. Other municipalities across Canada have received favourable reviews from business owners’ experiencing increased activity and revenue generation after having implemented seasonal boardwalks.

Environmental Implications

There are no environmental implications associated with the recommendations contained in this report.

Strategic Implications

The amendment to Schedule “G” of *The Clean Property Bylaw No. 9881*, is part of an ongoing effort to implement the recommendations of the Regina Downtown Neighbourhood Plan which was approved by council in 2009.

Other Implications

Establishing seasonal boardwalks in parking lanes is expected to increase the diversity of uses and overall desirability of downtown as a place for people to visit and to do business, but this proposed change is a trade off. On the one hand, the City wants to continue fostering vibrant and innovative pedestrian-friendly areas to attract more people to them, which creates more foot traffic for businesses and gives entrepreneurs another opportunity to be innovative, if they choose to exercise this boardwalk option. On the other hand, customers in vehicles may not be able to park as close as they want to a specific business. However, observations by City staff of the boardwalk that has existed annually since 1994 on the 1900 block of Scarth Street indicates the amount of foot traffic and patronage in the area far outweighs the loss of the four parking spots needed to accommodate the outdoor patio.

Presently, if this policy was to go into effect for eligible Downtown restaurants with 100 per cent uptake, only 18 out of 1300 on-street parking stalls in the entire Downtown would be impacted, which represents less than 1.5 per cent of available on-street parking on a temporary basis.

There will be no impacts from this program on transit routes or stops.

Accessibility Implications

The design of outdoor restaurants and associated seasonal boardwalks must comply with the National Building Code of Canada (NBC) to receive a building permit. This standard requires the use of commercial construction material, and ensures public safety. Seasonal boardwalks shall be designed to ensure that they meet the requirements of the National Building Code’s Barrier Free Standards.

COMMUNICATIONS

Downtown restaurant owners were notified through a mail circulation of proposed changes to Schedule "G" on March 1, 2013. Feedback was requested of the vendors on or before March 15. At the time of writing, no comments had been received in opposition to the changes. This bylaw amendment will be advertised in the April 20, 2013 edition of the *Leader-Post*.

Other Agencies

The draft Schedule "G" was circulated to Saskatchewan Liquor and Gaming Authority (SLGA) and Regina Downtown Business Improvement District (RDBID) for review and comment. The RDBID has provided a letter of support for this initiative which is included in Appendix E.

DELEGATED AUTHORITY

The Committee's decision on this matter requires City Council's approval.

Respectfully submitted,



For: Diana Hawryluk, Director
Planning

Respectfully submitted,



Jason Carlston, Deputy City Manager
Community Planning and Development