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Community Services - Economic Development Report 2015-16

TO: Committee of the Whole
DATE: May 4, 2015
SUBJECT: Downtown Patios – Pilot Project
ORIGIN: Community Services – Economic Development

RECOMMENDATIONS

THAT Community Services - Economic Development Report 2015-16 dated May 4 regarding Downtown Patios Pilot Project be received and the following recommendation be adopted:

- 1. THAT Council endorse a 2015 pilot project of outdoor patios in downtown Newmarket between Millard Avenue and Water Street;**
- 2. AND THAT no more than 2 patios requiring the occupation of on-street parking be included in the pilot;**
- 3. AND THAT staff work with applicants to permit patios on the sidewalk and boulevard where possible;**
- 4. AND THAT applicants be required to complete an application form and other documents deemed necessary by staff;**
- 5. AND THAT restrictions of the Licensing By-law, Road Occupancy Permit By-law, and other regulations be waived where applicable to the satisfaction of staff;**
- 6. AND THAT the Main Street District Business Improvement Association be notified of this action.**

COMMENTS

Executive Summary

The purpose of this report is to seek Council endorsement of a pilot project to permit up to two businesses to open patios that encroach onto municipally-owned property in downtown Newmarket. This is a positive change that will promote economic development, increase pedestrian activity, and make Main Street a more appealing destination. This report contains background information, a discussion of patio styles, and potential steps for implementation.

Following the Committee of the Whole meeting of April 4th, 2015, the Committee referred this matter to the Main Street District Business Improvement Association for further consultation. Staff met again with the BIA board at its April meeting, where the board endorsed the pilot project of no more than 2 patios requiring the occupation of on-street parking. The Board also discussed and indicated support for broader

encouragement of business use of the sidewalk and boulevard where it is possible to do so without intrusion into other uses. This will be the subject of further review by the BIA and staff.

Background

Several Main Street businesses have historically placed informal seating arrangements adjacent to their storefronts in order to provide fair-weather seating for customers on an ad-hoc basis. These have occasionally been on private frontages and other times in the public right-of-way. During special events, permits have been issued for some businesses to expand their operations into the public right-of-way within certain limits. Recently, the Town has been approached to support the establishment of seasonal outdoor patios in the Main Street area.

Studies indicate the desire and importance of supporting pedestrian-centric activities in the downtown. The 2001 Newmarket Historic Downtown Community Improvement Plan (CIP) noted a desire for covered sitting areas, more space for pedestrians, unique restaurants, and vibrant activity in the area. A 2009 survey of residents showed 58% wanted to see more restaurants and cafés in the downtown. A 2013 survey of residents indicated dining was the top reason for visiting downtown Newmarket. The same survey ranked expanding evening activities downtown as the most popular option for improving the area. Since the adoption of the CIP, the Town has invested in attractive streetscaping, façade renewal, building improvements, public facilities, parking, Riverwalk Commons, etc., in or near the downtown area.

Benefits

Facilitating outdoor patios in the downtown area, particularly fronting onto Main Street, would have several benefits:

- A more attractive, vibrant downtown
- Expanded space for businesses to accommodate more customers
- Increased pedestrian and tourist activity
- Increased number of potential customers for non-restaurant businesses
- Improved dining experience

Opportunities

Different types of patios are possible, images of which are available in the report that Committee of the Whole considered on April 4th, Community Services -Economic Development Report 2015-12. Depending on which businesses elect to apply to host a patio, staff will review each submission to determine which patio type is most appropriate.

Analysis

Restaurant and café patios have proven popular and successful in many Ontario communities. Toronto and Ottawa have expanded their patio programs with municipalities such as Barrie, London, Markham, Collingwood, Sudbury, and Aurora beginning to encourage the practice. Issues they have dealt with and resolved as part of the approval process are identified below.

Parking

Increased customer traffic to the downtown area is a key component of business success. An on-street patio can be a more efficient use of space as a customer-traffic generator than as a parking space. A parking space occupied by a vehicle will convey, on average, 1.6 people to the area. A parking space occupied by an on-street patio can provide seating for as many as 20 additional customers. The economic

benefit of this increased activity is confirmed by a recent study that indicates businesses near such patios have seen 20% increases in sales and a 29% increase in local pedestrian traffic.

Should on-street patios be supported, staff will continue to enforce downtown parking bylaws and work toward the improvement of parking in the downtown area, including the opening of the market square parking area as well as reviewing the longer term parking requirements in the Main Street area.

Liability

Participating businesses will be required to maintain a minimum amount of liability insurance and name the Town of Newmarket as an additional insured party on their policy to prevent potential liability concerns for the Town. This is standard practice in other municipalities.

Safety

Changes to the right-of-way can cause concerns of safety and accessibility. Certain styles of patio can cause deviations in the expected pedestrian path, which can be a concern for residents with visual impairments. The Accessibility Advisory Committee will be consulted to make certain that downtown sidewalks remain accessible for all residents. Additionally, Central York Fire Services will be consulted to ensure that the movement of their vehicles and other emergency access concerns are addressed.

Noise

The Town has a noise by-law in place to restrict excessive noise typically requires patios to close at 11:00 PM. Research of comparator municipalities indicates that most with such patio programs require them to close after 11:00 PM. On the advice of the Main Street District Business Improvement Association, Staff have determined to further restrict patio operating hours to reduce concerns of noise by local residents. This will be reflected in the application that each patio operator will be required to sign. Town Staff will monitor feedback from residents and business owners to review the hours of operation for patios.

Appearance

Well-designed patios can contribute a great deal to the appearance of the downtown area. Urban design guidelines ensure that patio fencing and furniture are attractive and reflect the historic character of the downtown. The Heritage Conservation District Committee will be consulted to ensure that patio designs reflect the historic character of the neighbourhood.

Process

Staff has met to address the concerns of each department and begin to draft an application for potential applicants. This application will address each of the required elements listed below:

1. Valid liquor license (if premises are to be licensed)
2. Site plan with required design elements
3. Application fee
4. Liability insurance
5. Dates and times of operation
6. Accessibility design standards
7. Heritage design review
8. Application evaluation criteria

Staff will work with each applicant to attempt to develop a design that is appropriate to the specific site criteria and meets the needs of the applicant, residents, and local pedestrian and car traffic. The criteria

established by staff will be made available to applicants in the application package, and used to determine which patios will be selected to participate in the pilot project.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Official Plan

The Official Plan supports the principles behind permitting and encouraging outdoor restaurant patio space. For instance, section 12.2.3 of the Official Plan underlines the need for pedestrian amenities as a way to ensure comfort outdoors, stating: ““Designing for pedestrian amenities should be informed by the following: [...] Comfortable outdoor gathering places, particularly in work and entertainment centres, can be created by designing for human scale and providing shelter and shade.” Similarly, 12.2.4 relates to the importance of usable common areas, saying: “Common areas such as plazas, parks, recreation areas and other outdoor spaces, create ‘breathing room’ – areas for rest and relaxation in our urban environment.” Outdoor seating, both public (in the form of benches along sidewalks) and private (in the form of restaurant and café patios) are an important part of this outdoor comfort.

Community Improvement Plan

The 2001 Newmarket Historic District Downtown Community Improvement Plan includes a vision for Main Street as a welcoming, bustling beehive of activity. For instance, section 6.3 of the Plan includes a vision for “A welcoming, historic, beautiful downtown [that is] pedestrian friendly (possibly by narrowing the street”. The potential exists to enhance the role of the street as a pedestrian-friendly environment throughout summer months, as the plan calls for “A downtown full of outdoor places to celebrate community spirit, [including] cafés, outdoor seating, courtyards, [and] public open spaces.”

CONSULTATION

This project has been presented to Engineering Services, Bylaw Services, Public Works Services, Planning Services, Building Services, and the Main Street District Business Improvement Association, which has indicated preliminary support for this initiative.

The Main Street District Business Improvement Association passed a resolution at its April 21, 2015 stating the following:

“The Main Street District Business Improvement Area Board of Management recommends to Council:

THAT the proposed outdoor patio pilot project for Main Street be approved by the Main Street District Business Improvement Area Board of Management for the 2015 summer season;

AND THAT the outdoor patio pilot project includes criteria of a 10 p.m. noise cut-off time;

AND THAT these recommendations be submitted to Council for formal adoption. “

HUMAN RESOURCE CONSIDERATIONS

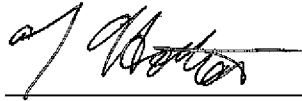
None.

BUDGET IMPACT

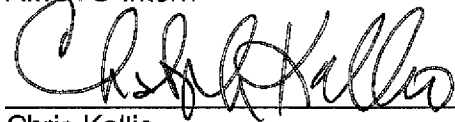
Operating and Capital Budgets (Current and Future)
None or nominal.

CONTACT

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