



Report to: Development Services Committee

Report Date: June 11, 2013

MEMORANDUM


TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services

PREPARED BY: Sally Campbell, Senior Planner – Urban Design

DATE: June 11, 2013

SUBJECT: UPDATE ON OUTDOOR PATIOS ON THE PUBLIC RIGHT OF WAY ALONG MAIN STREET MARKHAM FOLLOWING REVIEW BY THE MARKHAM SUBCOMMITTEE



RECOMMENDATION:

- 1) That the memorandum dated June 11, 2013, entitled "UPDATE ON OUTDOOR PATIOS ON THE PUBLIC RIGHT OF WAY ALONG MAIN STREET MARKHAM FOLLOWING REVIEW BY THE MARKHAM SUBCOMMITTEE", be received;
- 2) That Council approve the attached Table 1, which reflects the Subcommittee recommendations relating to which patio type is considered appropriate for each business that has requested a patio, subject to formal review and approval by staff in accordance with regulations contained in the future Road Occupancy By-law and accompanying design guidelines;

PURPOSE:

The purpose of this memorandum is to provide Development Service Committee with an update on the review and recommendations of the Markham Subcommittee held on May 29, 2013 to consider specific locations and patio requests for Main Street Markham.

BACKGROUND:

City-wide draft regulations and patio typologies adopted at Development Services Committee

At the meeting of Development Services Committee on May 21, 2013, Committee carried recommendations relating to regulations to be incorporated into a future revision of the Road Occupancy By-law to permit commercial patios on the public right of way. Committee also adopted three patio types (A,B & C), the draft proposed administrative process and components for inclusion in future design guidelines. An extract from the minutes of the meeting is attached to this memorandum.

Specific patio requests For Main Street Markham businesses were deferred

Following deputations to Committee on May 21, 2013 by Markham Village BIA, other Main Street business operators and stakeholders, the Committee resolved to defer the specific requests for patios along Main Street Markham to the Markham Subcommittee in order that the site specific characteristics could be understood and carefully considered particularly as some of the

requests might have an impact on the imminent reconstruction and streetscaping design for the street.

DISCUSSION:**Patio Types**

A summary of the patio types adopted at Development Services Committee at the May 21, 2013 meeting is provided below. Notwithstanding that each business along Main Street Markham making a patio request had asked for patio type B, the Subcommittee considered all three types as potential alternatives in considering the requests.

Type A – Boulevard Patio, located between the curb and the sidewalk.

Type B – Sidewalk Patio extends from the building face or property line across the sidewalk / path of travel, requiring the sidewalk to deviate.

Type C – Single Row, tables and chairs up against the building face.

Markham Subcommittee review

The minutes of the Subcommittee meeting held on Wednesday May 29, 2013 are attached to this memorandum. The main intent of the meeting was to establish which patios type A, B or C would be appropriate for each of businesses along main Street Markham that had made a request for a patio. The staff report to Development Services Committee on May 21, 2013 had recommended in each case that if a patio were provided then it should be a manner that did not require the sidewalk to deviate closer to the curb in order to maintain a continuous linear path of travel.

The Subcommittee received brief presentations from the two business owners present, which provided a more detailed understanding of the operational issues, as well as potential benefits of the different patio types relative to their specific business needs. The Subcommittee was also able to look at the current Main Street Markham streetscape design to assess what impact the businesses request might have on the current design and whether the requests could be reasonably accommodated. Street view was also used in order that the Subcommittee could regard the current condition of each of the subject properties along Main Street.

Other business and property owners who had previously expressed interest in having a patio type B were unable to attend the Subcommittee due to business commitments and were represented by the Markham Village BIA.

Having reviewed each individual request for a type B patio the Subcommittee proposes the recommendations set out in the attached Table 1. The recommendations were formed based on factors, including the of existing amount of private front or side yard patio area of a business, the extent of private front or side yard space available but currently not being used for private patio space, the presence and extent of a bump out across the frontage of each property, potential impact on proposed street furniture and trees and the ability to accommodate a deviated sidewalk in the interests of public safety and accessibility.

Staff input provided to Subcommittee

Staff from Capital Engineering, Heritage Planning and Urban Design were present to provide professional opinion, including the Director of Planning and Urban Design and the Director of

Engineering. The Accessibility Coordinator also attended together with the Chair of the Markham Advisory Committee on Accessibility.

CONCLUSION:

The Subcommittee recommendations are feasible from a technical perspective and while some changes will be required to the streetscape design of Main Street Markham, staff consider the changes minor and supportable.

The attached Table 1 reflects the Subcommittee recommendation for each property making a patio request. Staff would advise that any business located on Main Street Markham wishing to implement the recommended patio type shall be required to apply for a permit under the Road Occupancy By-law and in accordance with the design guidelines and application process that staff will be finalizing over the summer 2013.

ATTACHMENTS:

Table 1 to show Main Street Markham patio requests and the respective Markham Subcommittee recommendations.

**7. CITY INITIATED REVIEW OF
POTENTIAL REGULATIONS TO
PERMIT OUTDOOR PATIOS ON THE
PUBLIC RIGHT OF WAY ALONG MAIN STREET MARKHAM
AND ASSOCIATED DESIGN GUIDELINES (10.0)**

Report App A App B App C App D App E App F
S. Campbell, ext. 2645

Correspondence was received from Brian Rowsell, area business owner, with comments.

Sally Campbell, Senior Planner, Urban Design, made a presentation regarding potential patio types, regulations and design guidelines that would permit outdoor patios to operate in the public right-of-way along Main Street Markham and throughout the City. The review included samples of regulations from other municipalities, constraints and issues for consideration, the extensive consultation process that has been undertaken, and the preferences expressed by individual business owners, as indicated in Appendix F to the staff report.

Three types were displayed, and the pros and cons were reviewed:

- **Type A** contains a seating area within the bump-out and maintains a 2m wide linear public walkway;
- **Type B** the sidewalk deviates to allow the seating immediately next to the establishment with an enclosed, manageable space that is better for servers;
- **Type C** can be accommodated where a small seating area can be located closest to the building without impacting the lineal path of the public walkway.

The staff recommendation is to revise the Road Occupancy By-law to incorporate provisions to permit outdoor patios in the public right of way, where appropriate, across the City of Markham. Staff advised that site specific approval would be required by Council, and discussed the application and administration processes.

Warren Rupnarian, Accessibility Coordinator, advised that Markham's Accessibility Advisory Committee prefers Options A or C for Main Street Markham, and these are the Coordinator's recommendations. Staff suggested that Option B may be appropriate in other parts of the City where boulevard reconstruction is not required. The Committee discussed Urban Braille issues. Staff advised of consultation with various groups and advised that the analysis considers safety and accessibility issues.

Peter Ross, a member of the Main Street Markham Committee and area resident, spoke of the Vision for Main Street and thanked Council and staff for their support over the past 15 years. Mr. Ross displayed photos and news articles from the beginning of the project and reviewed the efforts of the City and the Main Street Markham Committee for a pedestrian-friendly and rejuvenated Main Street.

Roger Clements, a business owner on Main Street Markham and a member of the Markham BIA, spoke of the proposed sidewalk configuration with respect to pedestrian traffic and requested consideration of a wrap-around style at his business location.

Paul Cicchini, representing a business on Main Street Markham, has worked in consultation with staff when obtaining temporary permits for a patio during festivals and he suggested that safety and accessibility issues have been addressed. Mr. Cicchini stated that his customers appreciated the patio experience.

Diane Kobelansky, representing the Markham BIA, suggested that businesses are looking forward to having patios, and stated her opinion that a wrap-around style seems logical. Ms. Kobelansky discussed the unique Heritage status, the limited street width, maximizing opportunities to attract visitors, and the temporary, seasonal nature of patios. Ms. Kobelansky requested to be involved in any subcommittee meetings on this issue.

Sonny Lavasani, representing some of the businesses on Main Street Markham, supports patios on bump-outs and requested to have his business included on Appendix F, as well as to be involved in any subcommittee meetings on this issue.

The Committee discussed the process of constructing sidewalks while patio applications are pending. Staff advised that the streetscape plan has been finalized with construction starting in July, and direction from the Committee is needed for any changes to the approved streetscape.

The Committee considered endorsing the policy on a City-wide basis, and referring the Main Street Markham patio requests to the Markham Subcommittee. The Accessibility Coordinator will participate in the review. A larger street map was requested as well as an indication of the specific locations and patio applications for a clearer understanding of the streetscape impacts.

Moved by: Regional Councillor Gord Landon
Seconded by: Deputy Mayor Jack Heath

- 1) **That the correspondence from Brian Rowsell, and the deputations by Peter Ross, Roger Clements, Paul Cicchini, Diane Kobelansky representing the Markham BIA, and Sonny Lavasani regarding outdoor patios, be received; and,**
- 2) **That the report dated May 21, 2013, entitled "PRELIMINARY REPORT. City Initiated Review of Potential Regulations to Permit Outdoor Patios on the Public Right of Way along Main Street Markham and Associated Design Guidelines", be received; and,**
- 3) **That the presentation entitled "Outdoor Commercial Patios in the Public Right of Way", be received; and,**
- 4) **That Council adopt the three patio types (A, B and C) as potential layouts, where appropriate, for outdoor patios in the public right of way; and,**
- 5) **That the chart attached as Appendix "F" to the report, as it relates to Main Street Markham that recommends which patio type is considered appropriate for each business that has requested a patio, be referred to the Markham Subcommittee for a review and recommendation to the Development Services Committee in June, 2013; and,**

- 6) That Staff revise the Road Occupancy By-law to incorporate provisions to permit outdoor patios in the public right of way, where appropriate, across the City of Markham; and,
- 7) That Staff implement the necessary application process and administrative procedures, including the provision of information on the City's portal; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

Table 1

Main Street Markham Patio Requests and Markham Subcommittee Recommendations

Main Street Address	Business Name	Nature of Request	Comment – <i>italics</i> Subcommittee Recommendation - bold
40 – 44	Folco's Restaurant	Patio Type B	Existing private patio (approx. 26 seats). Potential to expand existing patio within private property Extend bump out south with taper before private driveway. Patio Type A can be accommodated on bump out
48	Wedding Cake house (vacant)	Patio type B No tree in bump out	Existing private patio (approx. 66 seats). Tree to remain. New Owner has not expressed a request No change
53	The Duchess of Markham	Patio Type B	Modest private front yard cannot accommodate private patio. Concerns with servers crossing sidewalk to serve food and alcoholic beverages Patio Type B
68	Sierra Homes development	2 bump outs for future type B patios requested	2 bump outs have been provided as per the request Patio Type B can be accommodated if the southerly bump out is extended slightly north, however in this scenario the second bump out cannot be retained. If the current 2 bump outs are retained then Patio Type A
75	New Italian Coffee Shop	Some patio provision preferably Type B	Grade difference means existing stairs up to main entrance and raised garden area in front yard resulting in limited opportunity for private patio area. Extend bump out south across frontage. Patio Type A
76	Lemon Bistro	Bump out for patio – preferably Type B, no tree	A bump out has been provided for a Type A patio. Close proximity of adjacent parking / loading bays means that Type B not feasible. Tree to remain if possible. Patio Type A
91	Old Curiosity Tea Shop	Patio Type B preferred. Tree can remain, but move street furniture	Patio Type A and or C Can be accommodated with the current streetscape design. Patio Type B feasible with some revision, but street tree and furniture would require relocation. Patio Type B
116	Rawlicious	Patio Type B. No tree	Patio Type A can be accommodated. Tree to remain. Area of private side yard could be utilized as private patio space. Patio Type A

123 – 131	Tremont Hotel	Bump out for future patio at north end of the building for future redevelopment opportunity	Bump out provided. Patio Type A can be accommodated on bump out with opportunities for Type C / private front yard patio area. Patio Type A & C
138	Liberty burgers	Patio Type B. No tree	Existing private patio (approx. 68 seats). Design contemplates on-street parking lay-by in front of this property, no bump out provided. No change
142	Main's Mansion	Patio Type B	Existing private patio (approx. 152 seats). Design contemplates on-street parking lay-by in front of this property, no bump out provided. Property in close proximity to future signalized pedestrian crossing. No change