

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Information Report  
Sidewalk Patio – Standards and Application Process

### Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken:

- (a) This report **BE RECEIVED** for information.
- (b) The Sidewalk Patio – Standards and Application Process document attached hereto as Appendix “A” **BE RECEIVED**; it being noted that review and approval of sidewalk patios will be implemented as an Administrative Practice.

### Executive Summary

#### Purpose and the Effect of Recommended Action

To formalize the application process, requirements and design standards for patios within the public right-of-way as an Administrative Practice, and introduce the attached *Sidewalk Patios - Standards and Application Process* as an administrative tool to be used in the review of proposed patios.

#### Rationale of Recommended Action

Various City Service Areas have been involved in the pilot project for temporary seasonal patios within the right-of-way. Through that process, issues of safety, accessibility, financial considerations and design have been monitored, evaluated and refined. The resulting *Sidewalk Patio Standards and Application Process* will ensure that sidewalk patios, going forward, address these concerns.

### Analysis

#### 1.0 Relevant Background

Food establishments with a valid business license can obtain a Boulevard Café Permit to establish and operate a sidewalk patio within the municipal right-of-way. In 2012, a pilot project was introduced to allow sidewalk patios within municipally-owned on-street parking spaces. Council directed staff to develop guidelines that apply to patios on municipal sidewalks, as well as within on-street parking spaces.

Approximately two to 6 Boulevard Café Permits are issued annually. Interest in the program has grown in Downtown as well as areas such as Wortley Village and Old East Village.

Environmental and Engineering Services, Realty Services, Development and Compliance Services, and Planning Services have worked together to develop and refine standards for the location and design of patios, as well as formalize the application process.

## **2.0 Key Issues and Considerations**

The following issues and mitigation measures have been identified relating to both on-boulevard and on-street patios:

### **2.1 Safety**

Creating a safe and enjoyable environment on public property, particularly within the right-of-way, is of utmost importance. Locating patios adjacent to the traveled portion of the street introduces potential conflicts between patrons and vehicles. Through the attached standards, safety precautions will be implemented, including allowing enough room for vehicle overhangs, providing visual and physical markers for drivers, and ensuring a barrier is provided between patios and traveled portions of the street.

### **2.2 Pedestrian Circulation**

Utilizing the public right-of-way for private dining areas takes away physical space that could be used for pedestrian circulation, amenities (such as benches) and other fixed and movable elements. The attached standards outline appropriate clearway widths, separation distances from existing utilities, and the appropriate location of movable elements (such as sandwich boards). The location and design of patios within the right-of-way will ensure that accessibility and pedestrian movements are not compromised in the adjacent sidewalk areas, and that the addition of sidewalk patios enhances the streetscape environment.

### **2.3 Liability**

The use of public property for private patios can present additional risk and liability for the City. As part of the sidewalk patio application process, business owners proposing patios are required to have third party liability insurance to cover any damages, or other losses associated with the patio on public property.

### **2.4 Loss of On-street Parking**

The use of on-street parking spaces for patios, reduces available on-street parking and the associated revenue. Through the application process, proponents are required to pay an annual fee that is equivalent to the average revenue generated by an on-street parking space. This fee is booked to Parking and Licensing's revenue.

## **3.0 Conclusion**

Building on the success of the pilot project, this report acknowledges the approach moving forward will be to continue allowing sidewalk patios within boulevards and in on-street parking spaces, city-wide, where they contribute positively to the public realm and meet the location and design standards set out in the attached *Sidewalk Patio Standards and Application Process* document.

The attached *Sidewalk Patio Standards and Application Process* document addresses concerns related to pedestrian circulation, as well as separation and safety in close proximity to moving vehicles. The application process and fees will continue to address the loss of on-street parking spaces and associated revenue by requiring payment equivalent to the average revenue generated from a parking space per patio season.

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<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

March 13, 2018  
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Appendix "(A)"

# Sidewalk Patio

Standards and Application Process



City of London  
March 2018



# Sidewalk Patio

## Standards and Application Process

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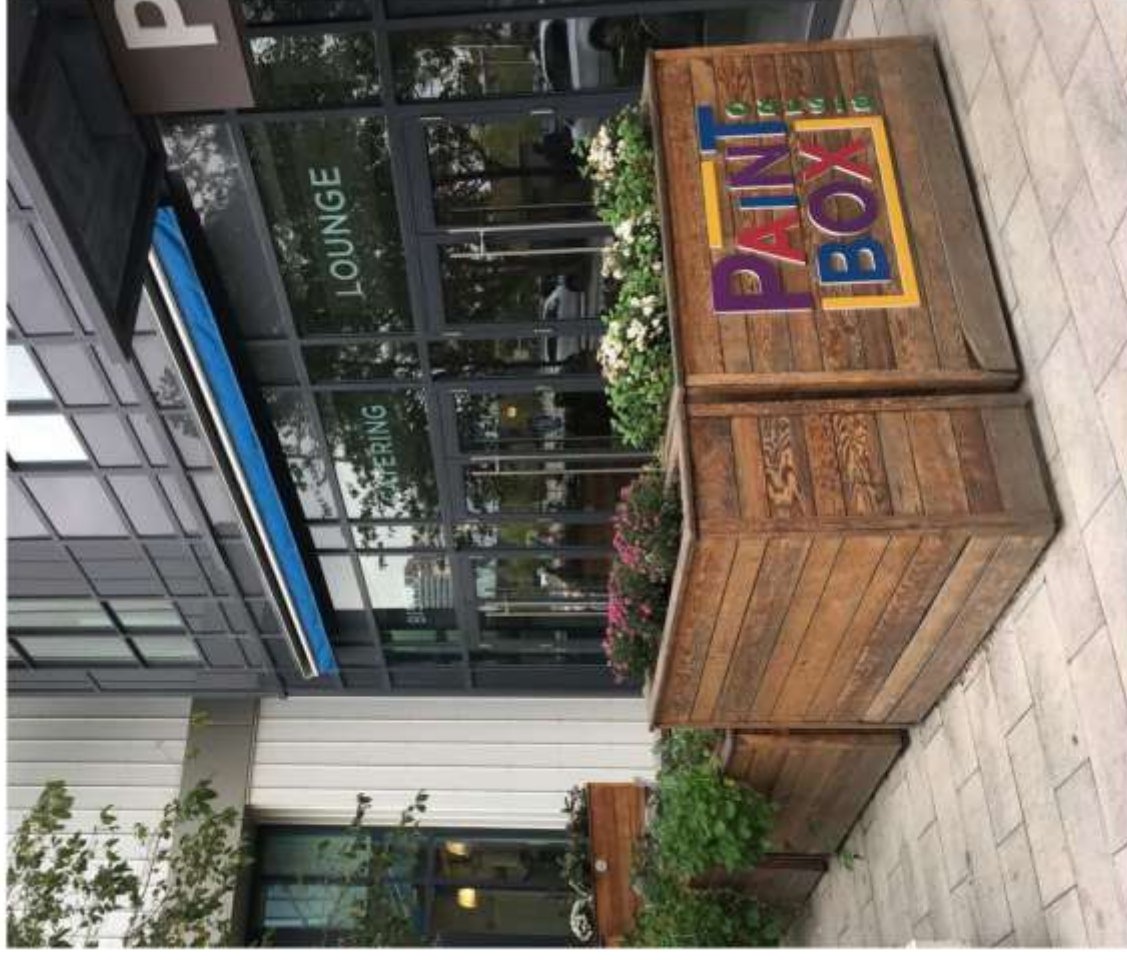
# 1.0 Purpose

The following document outlines the design requirements for patios within the public right-of-way. These standards apply to the establishment of patios throughout the entire city.

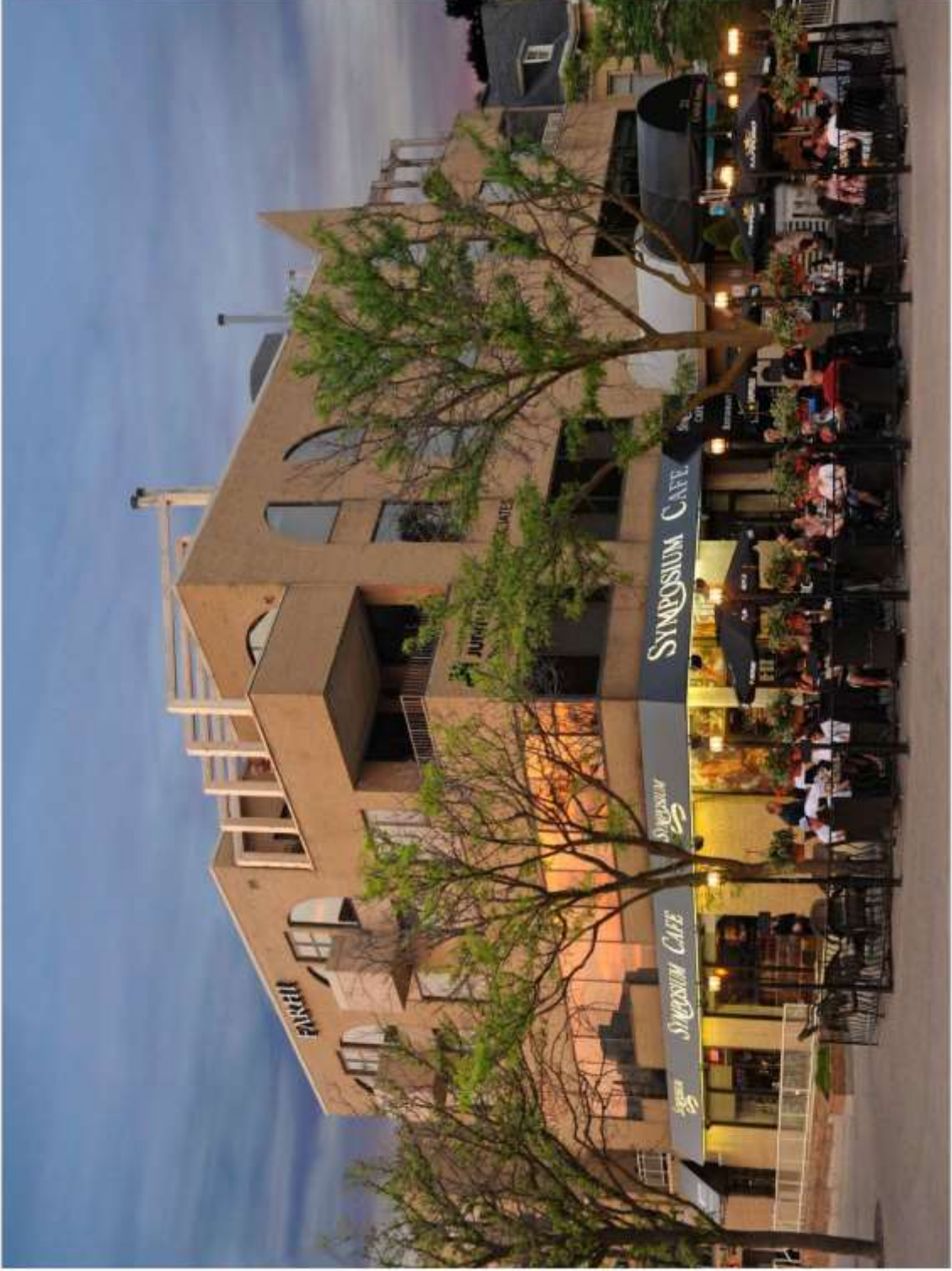
The intention in reviewing sidewalk patio design is to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio.

Sidewalk patios can activate the street and create a more vibrant urban environment. By providing opportunities for outdoor dining, the City, and businesses within it, can encourage the use and enjoyment of the public realm.

To establish a sidewalk patio, an applicant must first consult with City staff and follow this illustrated step-by-step guide to determine the location and design details of the patio.







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# 2.0 Application Process

The process of establishing a sidewalk patio consists of eight steps, to ensure the use of City property complies with these standards and requirements, and protects the public. The City has the right to reject an application if it is determined that the patio does not enhance the public realm.

All applications are required to comply with the Accessibility for Ontarians with Disabilities Act (AODA).

## Steps in the Application Process

### 1. Consult

Meet with Realty Services staff to discuss your desire to develop a sidewalk patio within the public right-of-way. Realty Services will outline the materials required for your application submission.

### 2. Select Patio Location

Use this document to determine which patio location is best suited for your situation. The application should include documented consent from adjacent property owners, if utilizing an area in front of an adjacent property.

### 3. Plan & Elevation Drawings

Provide a plan (overhead view) that shows the design and layout for your patio, and compliance with the classification and design detail requirements.

Provide an elevation (street level view) drawing of your proposed patio that shows all proposed features such as furniture and lighting.

The application should include details of the patio surface and how elements will be affixed to the surface.

### 4. Photographs & Material Samples

Provide at least four images:

- View from the front,
- View from the right
- View from the left
- View in context of surroundings, including neighbouring properties and the streetscape.

If available, provide any samples, photographs, or drawings of design features such as furniture, plantings, awnings etc. to be used.



Sidewalk Patio | Standards & Application Process

5. **Comply with Classifications and Design Details**

Follow the classifications and design detail standards in sections 3.0 and 4.0 to ensure your patio complies to the minimum standards. Where standards are enhanced, meet the desired outcomes of these guidelines.

6. **Complete the Form**

Complete the form, that is available through Realty Services.

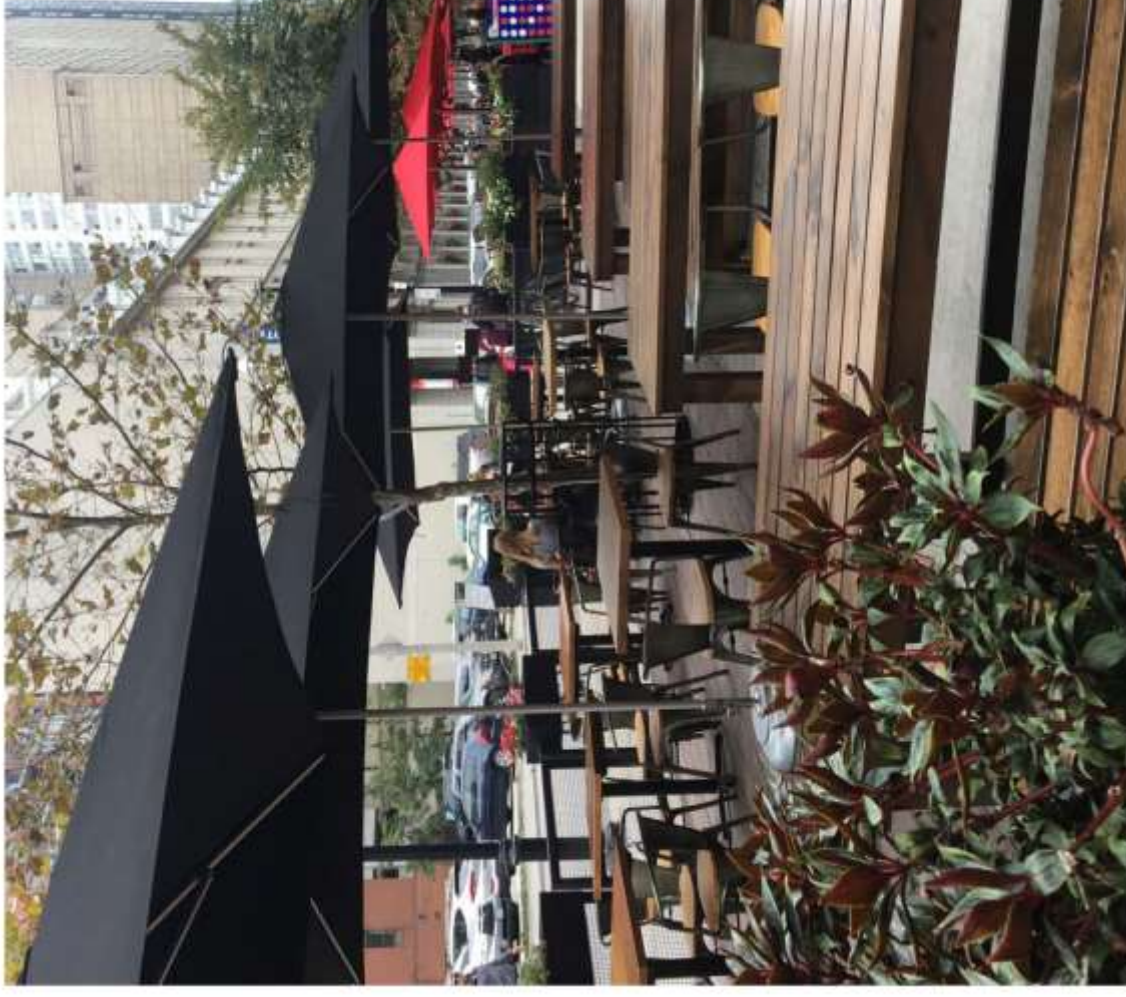
7. **Submit for Staff Review**

Submit your application package to Realty Services. Staff from various City of London departments will review it and consider it for approval, or recommend modifications. Only one initial application is required unless there is a redesign or resizing of the patio.

8. **Construct & Operate**

A licensing agreement is required to operate a sidewalk patio. The license can be obtained through Realty Services and is valid for a 3-year term.

Once your patio has been approved, you can construct and operate your sidewalk patio in compliance with your approved submission package.



# 3.0 Classifications

There are several potential sidewalk patio locations within the public right-of-way. Selecting the right location for the specific context will ensure the streetscape is enhanced and the safety of patrons and the public is secured.

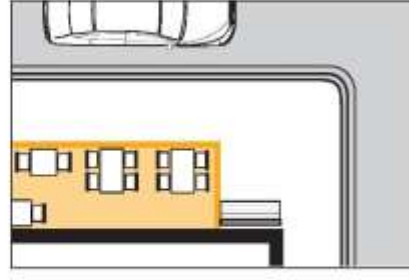
When choosing the location of a patio, consideration should be given to the existing streetscape, surrounding uses, and availability of space.

Patios are to respect adjacent businesses and not impede the flow of pedestrians or pedestrian traffic movements.

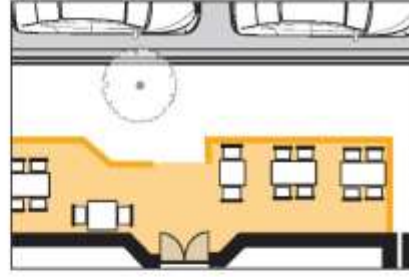
Sidewalk patios fit into two categories:

- 3.1 Patios provided entirely on the boulevard
- 3.2 Patios that utilize an on-street parking space.

The following pages explain in detail each of the six potential patio locations and include minimum and maximum measurements related to each situation.



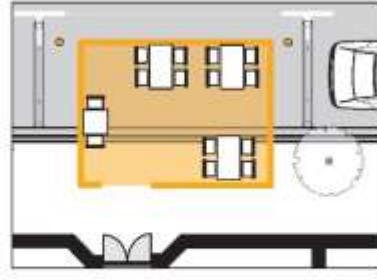
At A Corner



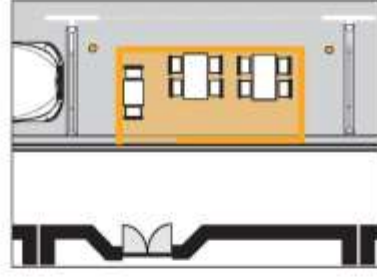
Along Building



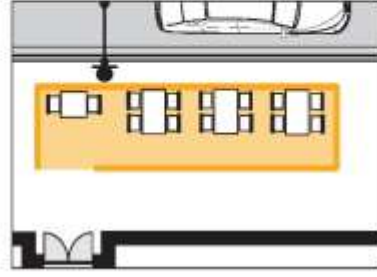
Alleyway



Combination



On-Street Parking

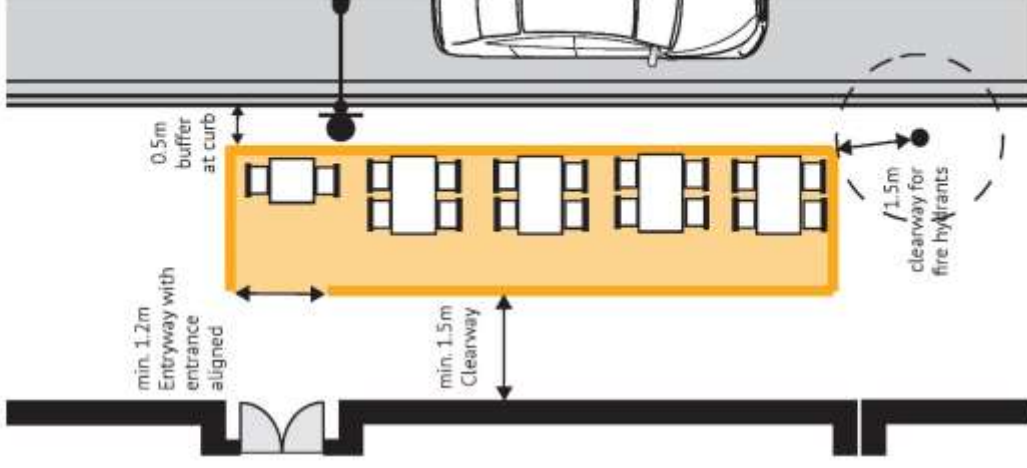


Along the Curb

### 3.1 Boulevard Patios

#### Along the Curb

1. Patios along the curb are located on the exterior edge of the public right-of-way with the clearway located between the building and the patio.
2. Between the boundary of the patio and the curb, a minimum buffer of 0.5m must be provided.
3. This location is most preferred as it maintains a consistent flow of pedestrian traffic along the fronts of shops and businesses, while still providing the patio.



Summary of Required Distances

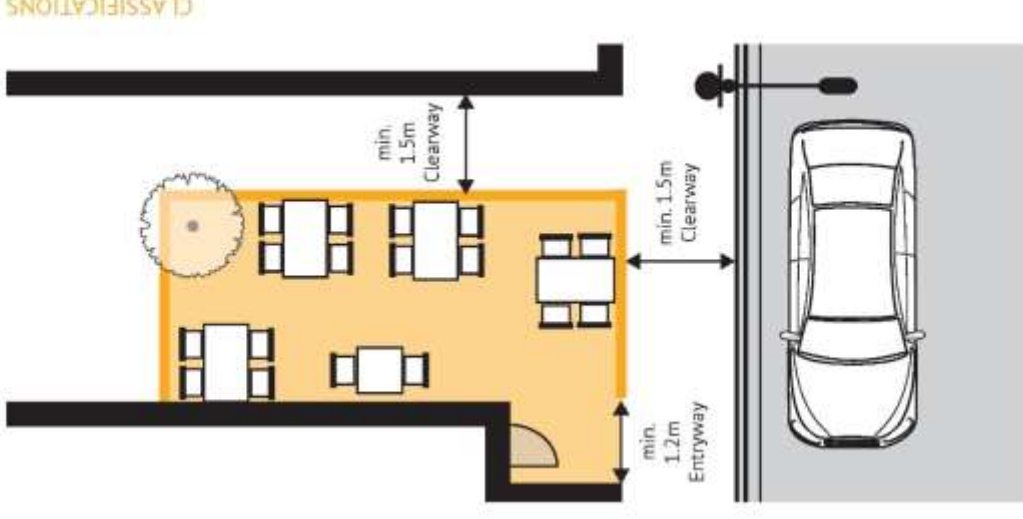
Clearway	1.5m (min)
Distance from Curb	0.5m (min)
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)

### Alleyways

1. Where there is a public alley between two buildings, a patio may be located in the space adjacent to the establishment provided the proposed patio does not prevent vehicular access.
2. Where vehicular traffic has an alternate route available, or if vehicular access is not required, the patio may still be located within the alley, but shall provide a clearway for pedestrian access.
3. The clearway shall be located between the outer edge of the patio and any neighbouring buildings and/or the curb.
4. The entrance to the patio should be located as close as possible to the entry of the associated establishment. This will provide ease of access for the patio to serve patrons.

### Summary of Required Distances

Clearway	1.5m (min)
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)



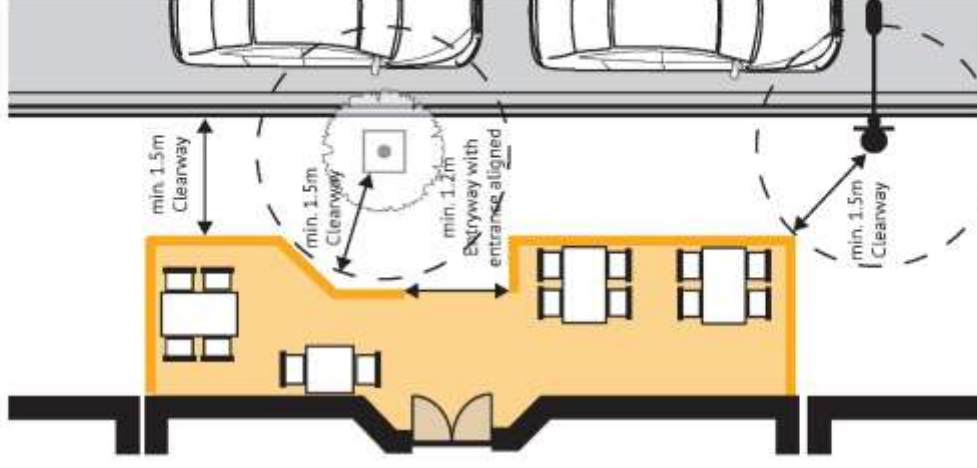
CLASSIFICATIONS

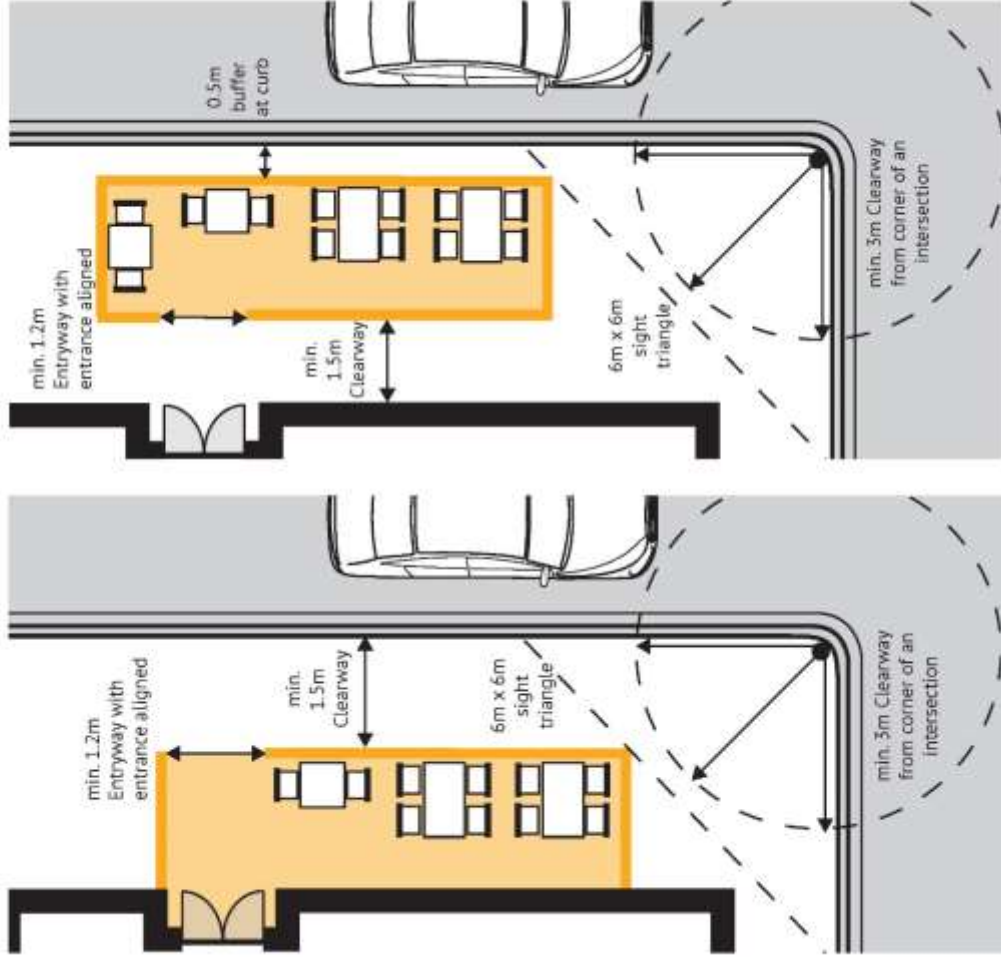
### Along the Building

1. This classification includes patios located immediately adjacent to the building, but extending beyond the front property line into the public right-of-way.
2. The clearway shall be located between the outer edge of the patio and the curb. Clearway shall be from the edge of tree grates, light posts and other fixed elements.
3. This patio location is the least preferred as it causes a zig zag effect for pedestrian traffic. This location is particularly unsuitable where the existing streetscape consists of primarily retail shops that would not provide patios in the right-of-way. Should this patio location be the only viable option, it will be permitted provided these standards are followed and implemented.
4. Where patios can be located elsewhere, this location should not be considered.

Summary of Required Distances

Clearway	1.5m (min)
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)





**Patio At A Corner**

1. Corners and intersections require special treatment to ensure the increased pedestrian volumes and general activity can be accommodated without interference.
2. Where a patio is in close proximity to an intersection, in addition to the clearway is required.
3. From the corner of the intersection, a minimum clearway of 3 metres is required.
4. A 6m x 6m sight triangle should be maintained where there is sufficient space.
5. This clearway distance is required for patios located along the building at a corner and in the boulevard at a corner.

**Summary of Required Distances**

Clearway	1.5m (min)
Distance from Curb	0.5m (min)
Clearway from Corner	3.0m (min)
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)



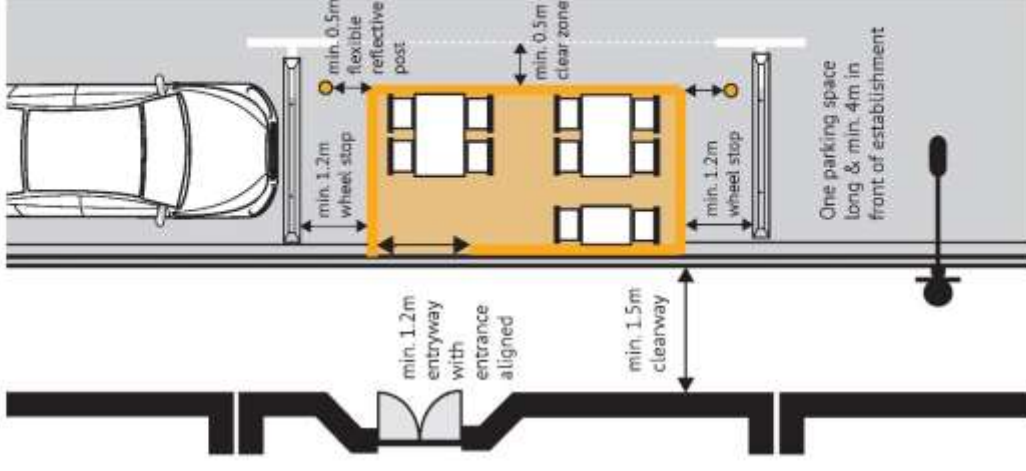
### 3.2 On-street Parking Space Patios

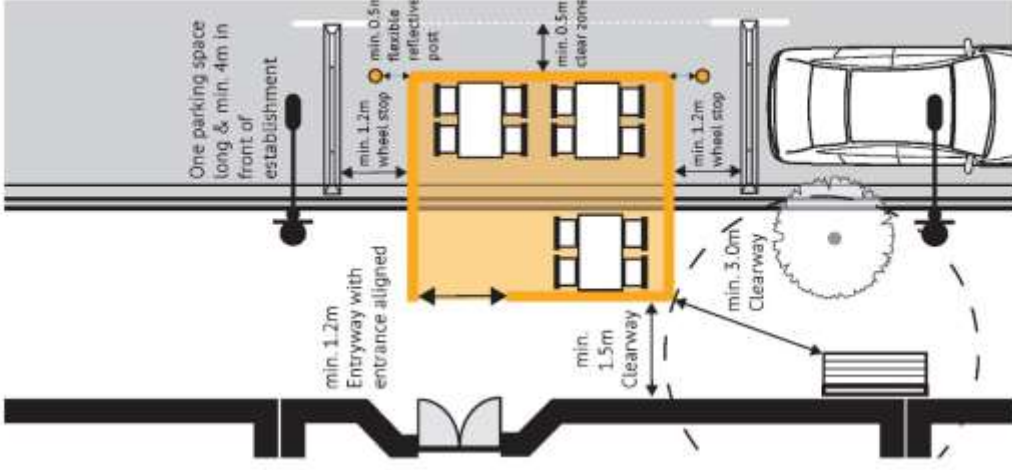
#### In On-Street Parking Space

1. Where the public right-of-way is not large enough to support a patio on the sidewalk, patios may be located within an on-street parking space subject to an agreement with the City.
2. The clearway shall be located between the curb and the associated building.
3. Patios located within an on-street parking space must be brought to the same height as the sidewalk.
4. Patios in on-street parking spaces may only occupy complete spaces and shall have a minimum of 4m of the parking space located directly in front of the associated establishment.
5. This location is also preferred for its minimal effect on the flow of pedestrian traffic within the public right-of-way.

#### Summary of Required Distances

Clearway	1.5m (min)
Length	6.7m (min) [1 parking space]
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)





**Boulevard & On-Street Combination**

1. In order to create a larger patio, it may be suitable in some cases to combine a patio in the boulevard with a patio in an on-street parking space. The combined, enlarged space will act as one patio.
2. The clearway shall be located between the interior boundary of the patio and the associated building.
3. The use of an on-street parking space is subject to an agreement with the City.
4. The portion within the on-street parking space must be brought to the same height as the public right-of-way. A level transition between the two portions shall be provided.
5. This option is preferred for its ability to accommodate more patrons while maintaining a clearway for consistent flow of pedestrian traffic along storefronts.

**Summary of Required Distances**

Clearway	1.5m (min)
Length	6.7m (min) [1 parking space] 1m (max) [beyond property]
Entrance	1.2m (min)
Distance from Streetscape Objects	1.5m (min)

### On Street Parking Considerations

1. A full parking space length must be used. The parking area that remains available on either side of the patio must provide one or more full parking spaces of 6.7m length.
2. The outside edge of the patio must be at least 0.5m from the travel lane, creating a 0.5m clear zone.
3. At each end of the parking space, wheel stops must be placed 1.2 m from the edge of patio to provide a buffer from the next parking stall.
4. Patios must have flexible reflective posts, at least 1.2m high, placed 0.5m from both corners of the patio which are in the roadway. The reflective elements should be in line with the edge of the patio that is parallel to the travel lane.
5. The applicant is responsible for the additional costs associated with the removal of any City infrastructure such as parking meters, parking signage, waste receptacles, etc., to accommodate this type of patio. The business owner shall arrange with Transportation and Roadside Operations and/or Parking to reinstall City infrastructure that was removed as part of the patio installation.
6. The applicant is responsible to pay a fee for the use of the on-street parking space, equivalent to the average revenue generated by an on-street parking space per season. This fee will be considered revenue to Parking.
7. The patio surface must be designed for easy removal and to prevent damage to the underlying roadbed. The applicant's plan for affixing wheel stops and flexible reflective posts must be included as part of the application package and requires acceptance by the City.
8. The substructure design of a patio will vary and depends on the slope of the street and the overall design of the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the patio. Adjustable deck support pedestals which can be spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.
9. The design of the patio structure should not inhibit the adequate drainage of storm water runoff. Small channels between the base and the platform should facilitate drainage.
10. Guardrails must be present on at least the three sides of a patio within the roadway and be constructed to the following specifications:
  - Guardrail must be not less than 1.07m high.
  - Guardrail must be designed and attached in a manner to resist a concentrated load at any point of not less than 1 kN, and,
  - Guardrail must be designed and attached in a manner to resist a uniformly distributed load of 0.75 kN/m.
11. Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the patio structure.
  - Openings through the guardrail shall be of a size that will prevent the passage of a spherical object having a diameter of 100mm.

### Flexible Street Patio Considerations

1. Where the public right-of-way is a flexible street concept (e.g. Dundas Place), the applicant must meet with City of London staff prior to the submission of an application.
2. In this initial meeting with City staff, the available width for a patio, the pedestrian clearway location, and the width of vehicle travel way will be discussed.
3. City staff may choose to apply some or all of the requirements of the on-street parking space standards to a patio on a flexible street. These requirements will be confirmed during the meeting with City Staff.
4. The pedestrian clearway for a flexible street patio is to be 2.5m.





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# 4.0 Design Details

Sidewalk patios will be comprised of structural, functional, and decorative features. To ensure public safety and general aesthetic continuity, the following design details provide the minimum requirements for various features within a sidewalk patio.

These design details include dimensions, locations, and materials for features such as furniture, fencing, lights, and plant materials.

The City encourages creativity and the development of unique outdoor dining spaces within the requirements provided.

## 4.1 Functionality

### 1. Clearway

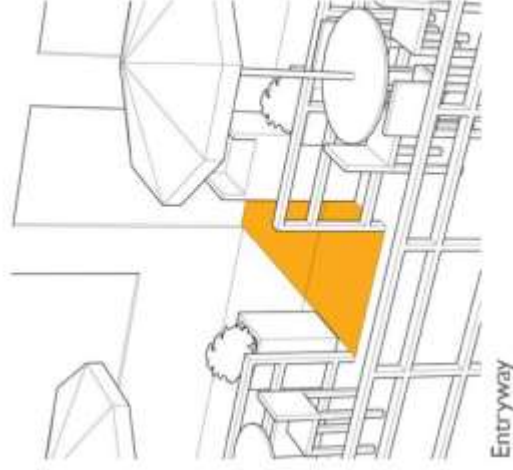
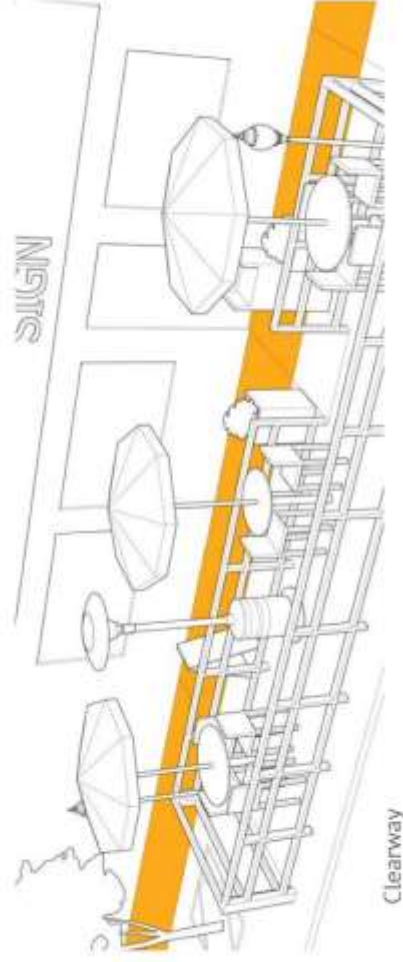
An unobstructed pedestrian pathway of at least 1.5m must be maintained at all times. The location of the clearway relative to the patio will depend on the location of the patio.

Patios located at a corner will require a clearway of 3m from the corner of the intersection.

### 2. Entryway

An entryway of at least 1.2m must be provided to the patio, and where possible, should be aligned with the entrance to the corresponding establishment.

When entrances cannot be aligned, they should be provided in close proximity to each other to ensure ease of movement and service between the establishment and the patio.



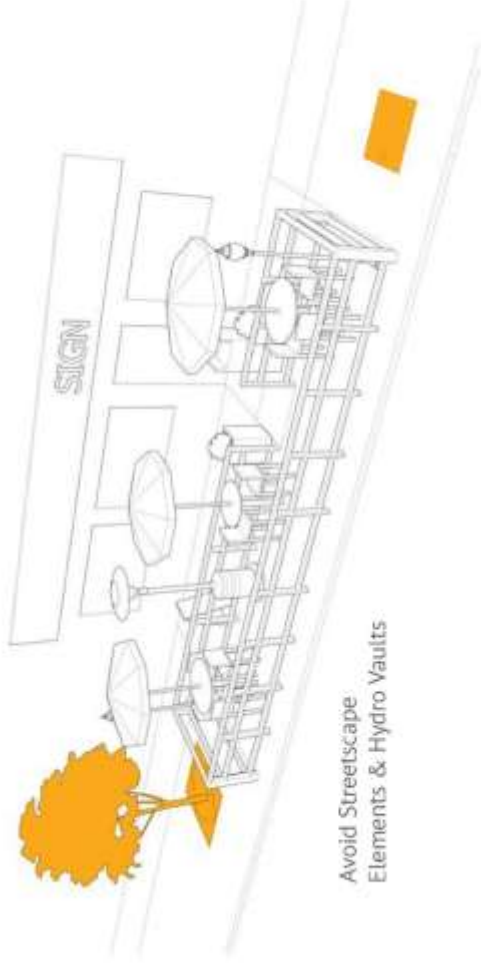
3. **Streetscape Elements**

Streetscape elements shall not be located in the clearway. These include, garbage receptacles, tree grates, fire hydrants, street furniture, and any other item that poses an obstruction within the clearway.

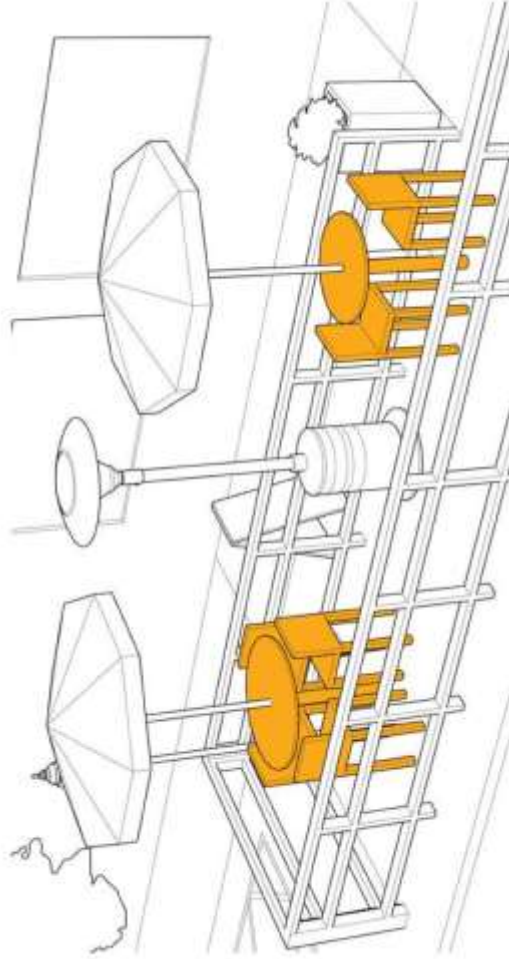
Fire hydrants require a 1.5m buffer at all times.

All other streetscape elements, outside of the clearway do not require a buffer.

Street trees may be incorporated into the patio as long as they are not within the clearway.



Avoid Streetscape Elements & Hydro Vaults



Consistency of Furniture

4. **Hydro Vault**

No patio can be situated on top of, or within 1m of an underground hydro vault.

5. **Seasonal Use**

Sidewalk patios, in their entirety, may only operate as seasonal features. All elements must be removable and disassembled at the end of the season.

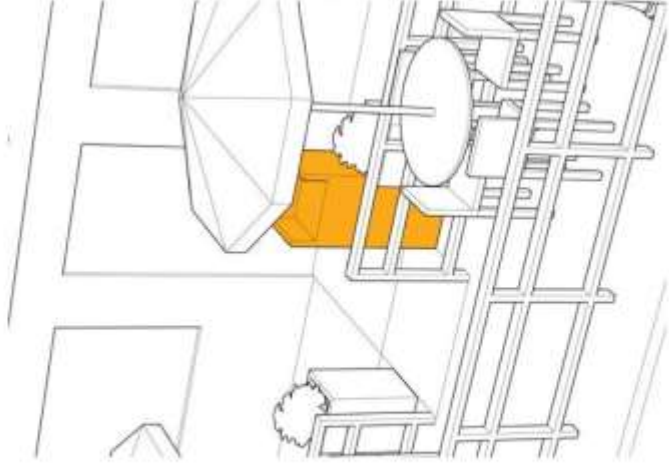
6. **Consistency**

Tables and chairs should be made of matching sets and should be consistent throughout the patio.

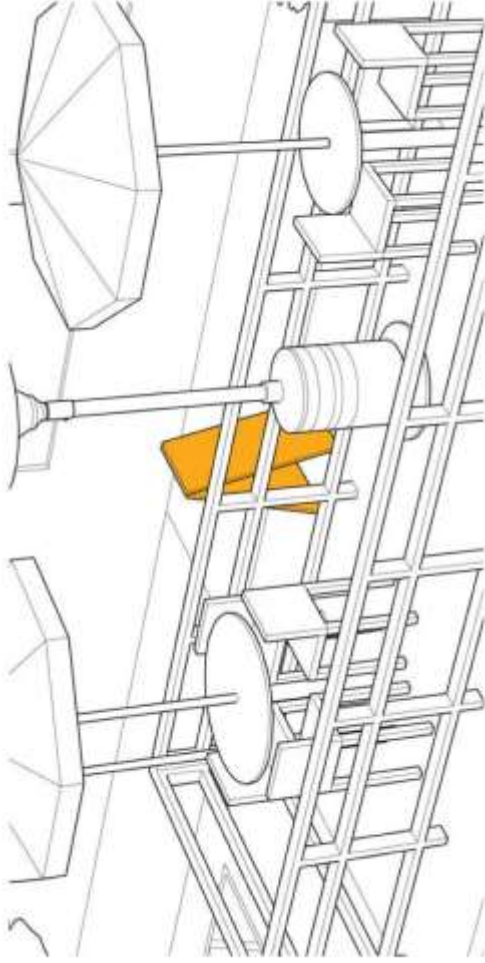
**7. Materials**

All furniture, including fencing, should be made of durable, weather resistant materials, that are easily cleaned.

Composite, metal, or painted & stained wood is preferred. Pressure treated wood and plastic are strongly discouraged.



Host Stands



Menus & Sandwich Boards

**4.2 Furniture**

**1. Host Stands**

Host stands are permitted within the patio provided they are consistent with the furniture in the patio and do not enter the clearway.

**2. Garbage Receptacles**

Garbage receptacles are permitted within the patio provided they are located with host stands and cannot be seen as a prominent feature within the space.

**3. Menus & Sandwich Boards**

Menus and sandwich boards are permitted, provided they compliment the furniture within the patio and they do not enter the clearway.

Menus and sandwich boards may not obstruct views within or into a sidewalk patio. Therefore, menus and sandwich boards may not extend beyond 1 m from the ground.



## 4.3 Fences and Plantings

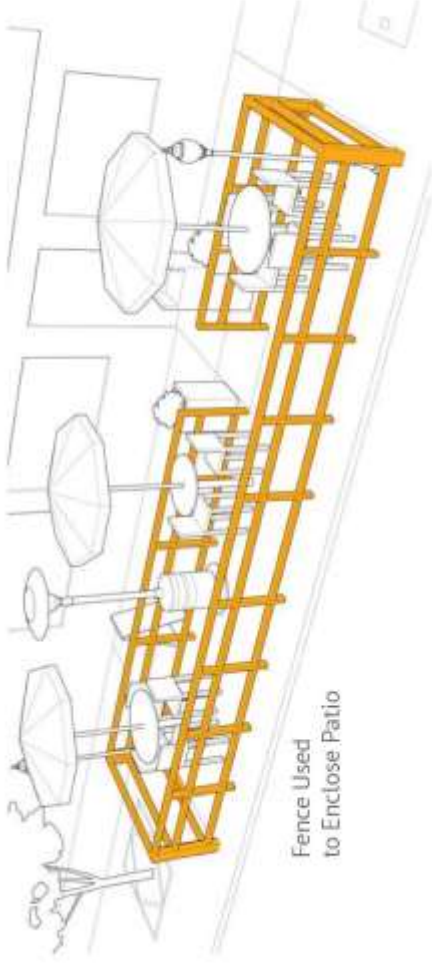
### 1. Fences

Fencing is required when a business is licensed and serves alcohol on the patio. Patio fencing is optional for unlicensed establishments.

Regardless of a license, where a patio is located in an on-street parking space, fencing is required at all times.

Patio fencing must be 0.75-1m in height, and have a low barrier bar 0.15-0.3m high.

Fencing used as a guardrail for on-street patios must abide by the On-street Parking Considerations in section 3.2



### 2. Plant Materials

Plants must be healthy, living and maintained throughout the season.

### 3. Planter Fence

Planters can be used in lieu of a fence, but must be adequately sized to define the patio space.

The planter, with plants, must be 0.75-1m in height and must be a continuous length to delineate the patio space.

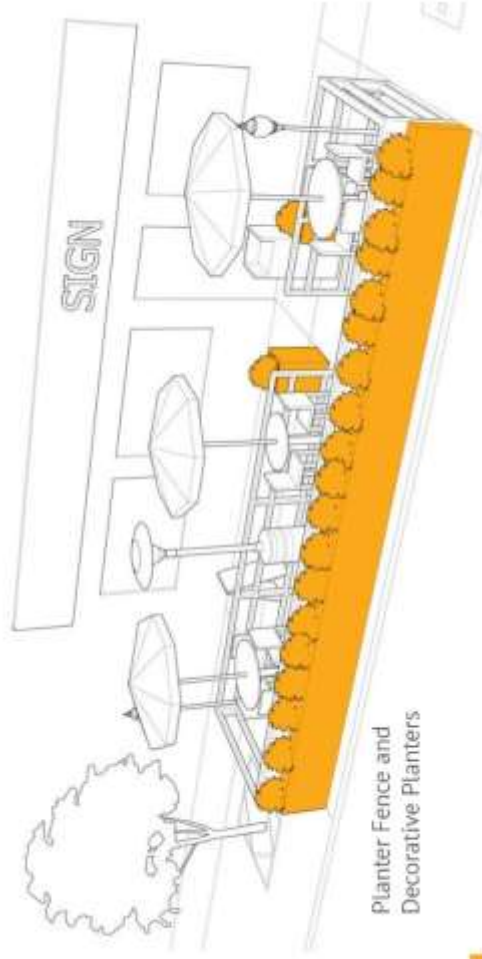
A 0.15-0.3m low barrier bar is required.

Planters must maintain a 0.5m buffer from the curb.

### 4. Decorative Planters

Ground planters may be used within the patio for decoration. The planters may not exceed 0.5m in width and 1m in height. Planters with plant material, may not exceed 1.5m in height or interfere with sight lines.

Hanging planters may also be used. Plant material may extend a maximum of 0.5m from the hanging planter box.



#### 4.4 Additional Features

##### 1. Awnings & Umbrellas

Awnings and umbrellas must have a minimum height of 2.4m. Awnings must be installed on the first storey of the building.

When fabric is being used for awnings and umbrellas, flame and fade resistant materials are recommended.

##### 2. Heaters

Heaters are permitted within the patio provided they do not exceed 3m in height.

##### 3. Lights

Lighting for the patio is permitted, provided it is located within the boundaries of the patio and does not infringe upon the clearway.

Lights may not exceed 3m in height. The brightness of the lights should be sensitive to the uses surrounding the patio and should be directed onto the patio and away from neighbouring properties and the street.

Lighting must be restricted to low voltage (12V system), 120VAC is not permitted.

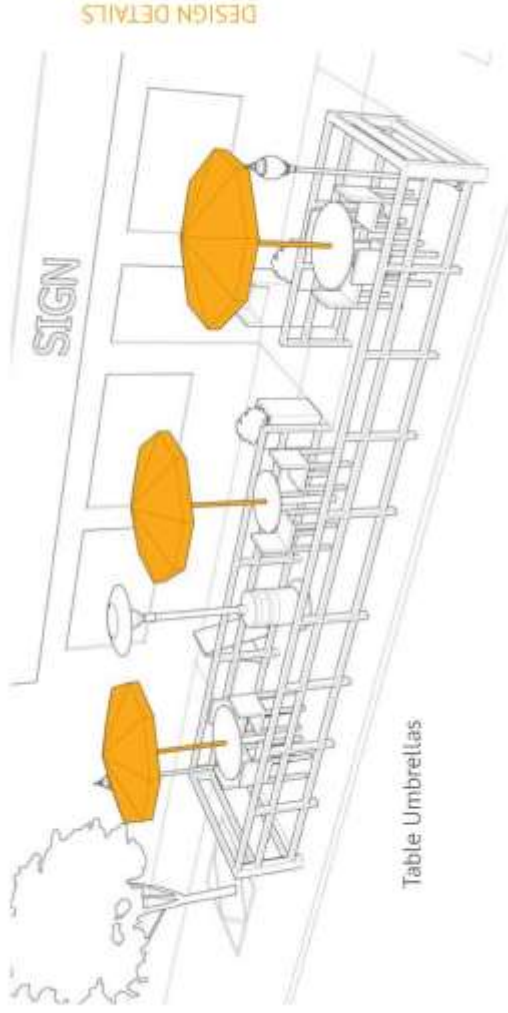


Table Umbrellas

##### 4. Paving

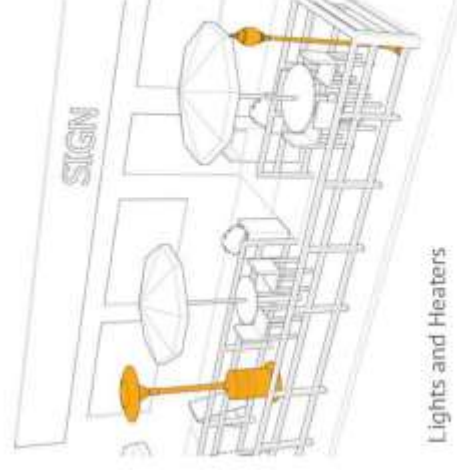
Site specific paving or surface treatment is not permitted in the public right-of-way.

Where paving surface is required, such as to level an on street parking space to the sidewalk, the material should be strong, durable, complimentary to the existing paving materials, and removable at the end of the season.

##### 5. Third Party Advertisements

No third party advertisements shall be permitted on umbrellas, awnings, furniture or any element in the public right-of-way.

All other signs are subject to the City of London Sign and Canopy By-law.



Lights and Heaters



# 5.0 Maintenance and Enforcement

1. The business owner is expected to maintain the sidewalk patio area and furniture in a clean and hygienic manner, and secure or store the patio furniture when not in use outside the hours of business operation.
2. At the termination of the sidewalk patio permit, the application must return the patio area to its pre-approved condition
3. Businesses which default in the performance of any of the obligations of the sidewalk patio permit will be cited and given time to rectify the problem. If the problem persists, the permit may be terminated and enforcement measures initiated by the City to rectify the problem at the owner's expense.
4. The City reserves authority over the road right-of-way and, when required, will exercise the right to request removal of sidewalk patio area due to safety, construction, or community needs.
5. If the City has safety objections, the sidewalk patio will not be installed or will issue notice of removal within 24 hours when conflicts are identified. Emergencies may necessitate faster removal times as required by the City or Emergency Services. Under these situations, care will be taken for removal of infrastructure, but the City will not be held liable for damages to sidewalk patio infrastructure added to the road right-of-way by the proprietor.
6. The permit holder is required to remove (at their own expense) their patio during public works projects such as repaving and sidewalk widening.
7. After receiving a permit, the permit holder has 30 days to install it on site. If the installation is not completed within 30 days, this may result in revocation of the permit.

