

# Report to Council



**Date:** April 15, 2019  
**File:** 1140-90  
**To:** City Manager  
**From:** Manager, Property Management  
**Subject:** Consolidated Sidewalk Seating Program Guidelines  
Report Prepared by: T. Abrahamson, Property Officer

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## **Recommendation:**

THAT Council receive the Consolidated Sidewalk Seating Program Guidelines report from the Manager, Property Management dated April 15, 2019, for information;

AND THAT Council endorse the Consolidated Sidewalk Seating Program Guidelines for the Downtown, South Pandosy and Rutland Town Center as outlined in the report of the Manager, Property Management dated April 15, 2019;

AND FURTHER THAT Bylaw No. 11658, being Amendment No. 32 to Traffic Bylaw No. 8120 be forwarded for reading consideration.

## **Purpose:**

To obtain Council endorsement for the Consolidated Sidewalk Seating Program Guidelines governing patio seating programs in the Downtown, Pandosy Village and Rutland town centers.

## **Background:**

Sidewalks, boulevards and excess road right of ways – particularly in urban settings - are key municipal assets that are often underutilized in terms of their potential benefit and value to the community. As expressed in the recently completed [Land Strategy](#), the City's Strategic Investments department is mandated to leverage community assets, with specific support strategies that include pursuing interim land uses and stimulating revitalization. In acknowledgement of this role, the downtown Sidewalk Seating and Café Extension program, first introduced in 2007, was created to provide guidelines for food and beverage establishments operating in the downtown core wishing to animate the outdoor spaces fronting their businesses.

The success realized by the downtown Sidewalk Seating & Café Extension program was a key factor in the design and ultimate construction of the 2013 Bernard Avenue revitalization project, which resulted in a significantly wider sidewalk and clearly defined 'frontage' and 'pedestrian' zones. To take advantage of the unique opportunities afforded by the revitalized Bernard Avenue, the Bernard Avenue Patio Guidelines were developed in 2014, implementation of which has led to the vibrant and animated Bernard Avenue that currently provides value to business, residents and visitors, alike.

The proposed Consolidated Sidewalk Seating Program Guidelines are intended to both:

- (a) unify and simplify the Sidewalk Seating and Café Extension program and the Bernard Avenue Patio Guidelines; and,
- (b) expand the value and benefit of animated sidewalks by making the program available in other urban centres, including the Rutland Town Centre and the South Pandosy Town Centre.

Instead of being limited to downtown, the Consolidated Sidewalk Seating Program Guidelines provide opportunities and policy direction for businesses anywhere within Kelowna that occupy interior space, are engaged in food and beverage service or product sales, and that have the potential for patios on adjacent public property.

In developing the Consolidated Sidewalk Seating Program Guidelines, staff consulted with the Downtown Kelowna Association, the Pandosy Village Business Association and the Uptown Rutland Business Association. Letters of support from all three business associations with respect to this initiative are attached as Schedule B.

**Legal/Statutory Procedural Requirements:**

Amendment No. 32 to Traffic Bylaw No. 8120, Part 7 and Schedule "A" (Fees)

**Financial/Budgetary Considerations:**

In addition to providing a valuable public and community amenity, the Sidewalk Seating & Café Extension Program and the Bernard Avenue Patio Guidelines generate on-going revenue for the City of Kelowna. Fees associated with permitting private use of public spaces are a requirement to ensure the municipality does not provide assistance to business, and are established through the use of a third-party appraisal. Specific fees proposed in the Consolidated Sidewalk Seating Program (as shown below) were established Kent-Macpherson.

Fee Recommendations – Consolidated Sidewalk Seating Program								
	South Pandosy		Uptown Rutland		Bernard Ave <sup>3</sup>		Off Bernard Ave <sup>3</sup>	
	Current	Proposed	Current	Proposed	Current	Proposed	Current <sup>4</sup>	Proposed
Small Patio <sup>1</sup>	n/a	\$ 510	n/a	\$ 255	\$510	\$ 510	n/a	\$ 332
Large Patio (no liquor) <sup>2</sup>	n/a	\$4.00	n/a	\$2.00	\$4.32	\$4.00	\$0.75	\$2.60
Large Patio (with liquor) <sup>2</sup>	n/a	\$8.00	n/a	\$4.00	\$8.64	\$8.00	\$0.75	\$5.20
<sup>1</sup> annual fee								
<sup>2</sup> fee per year per square foot								

<sup>3</sup> fees shown represent median fees; actual fees are higher closer to the lake, and lower further away

<sup>4</sup> note that current off-Bernard Ave. patio fees have not been increased since 2007

Total revenues associated with the Sidewalk Seating & Café Extension Program and the Bernard Avenue Patio Program were approximately \$41,000 in 2018. Revenues associated with the new Consolidated Sidewalk Seating Program are anticipated to increase over the next 3-5 years with the expansion of the program. The 2020 budget will reflect revenue projections based on actual program uptake during the summer of 2019.

**Internal Circulation:**

Traffic Support & Technical Support Supervisor  
Parking Operations Coordinator  
Community Planning Supervisor  
Utility Planning Manager  
Director, Strategic Investments  
Divisional Director, Community Planning & Strategic Investments

**External Agency/Public Comments:**

Downtown Kelowna Association  
Pandosy Village Business Association  
Rutland Town Center Business Association

**Considerations not applicable to this report:**

Legal/Statutory Authority:  
Existing Policy:  
Communications Comments:  
Alternate Recommendation:  
Personnel Implications:

**Submitted by:** M. Olson, Manager, Property Management

**Approved for inclusion:** J. Säufferer, Acting Director, Strategic Investments

**Attachments:**

1. Schedule A - 2018 Consolidated Sidewalk Seating Program Guidelines
2. Schedule B – Feedback from DKA, South Pandosy and Rutland Town Center Business Associations
3. Schedule C – Power Point

**cc:**

L. Campbell, Traffic Support & Technical Support Supervisor  
A. Rolston, Parking Operations Coordinator  
L. Bentley, Community Planning Supervisor  
R. MacLean, Utility Planning Manager  
D. Edstrom, Acting Divisional Director, Community Planning & Strategic Investments