

DECISION/DIRECTION NOTE

Title: Notices Published - Discretionary Use of City Land for Outdoor Patios and Lounges (Parklets) in the Downtown and Churchill Square

Date Prepared: March 17, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: N/A

Decision/Direction Required: To consider a Discretionary Use application by the City of St. John's for Outdoor Eating Areas and Lounges (Parklets) located within the downtown and Churchill Square.

Discussion – Background and Current Status:

The area for potential Outdoor Eating Areas and Lounges will be located along applicable sidewalks, parking areas and laneways in Churchill Square and the Downtown from: Temperance Street at Duckworth Street intersection to New Gower Street at Hamilton Avenue intersection and along Duckworth Street and New Gower Street to the Harbour; and from New Gower Street at Hamilton Avenue intersection to Leslie Street at Blackhead Road intersection along Water Street, within any commercial zone where these uses can be considered.

The City wishes to allow the use of these areas by business to expand their operations, as social distancing is required during the Covid-19 pandemic (subject to Provincial Public Health and Alert Level guidelines). The use of the City's land will extend from May 22 to October 31, 2021, and the hours of operation for the outdoor areas will be from 7a.m. to 11p.m. daily (City's Noise Bylaw). The use of these spaces will be subject to a lease agreement with the City, which will outline the size of the space and other applicable requirements. Businesses wishing to avail of this space must make application to the City.

There were 15 submissions received.

Many of the submissions were in favour of allowing parklets on City land for the 2021 season. The main concerns were maintaining accessibility and ensuring that sidewalks are not obstructed. These were also concerns provided during feedback on the 2020 Downtown Pedestrian Mall by the Inclusion Advisory Committee. Based on this information, it had been suggested that the parklet size be limited to parking stalls only. After further review by staff, it is recommended that parklet design allow a depth equal to the parking stall plus a maximum encroachment onto the sidewalk of 0.5 metre. This encroachment would be allowed only if a sidewalk width of 1.5 metres can be maintained, otherwise the encroachment would have to be reduced.

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This standard measurement allows for a consistent approach in determining parklet depth and helps to ensure that businesses on Duckworth Street have the same depth of parklet as businesses on Water Street, even with a different width of sidewalk. The small encroachment at the curb allows businesses room to locate a table for four people along with an internal access within their parklet, while ensuring a barrier-free sidewalk, with an accessible width.

Parklets may extend the full width of the business or storefront. If a parklet wishes to expand beyond this width, the business owner needs to obtain written permission from the neighbouring property owner. For a business located at an intersection, appropriate sightlines will need to be maintained for safety.

The parklet design has some additional safety requirements this year, based on feedback from the St. John's Regional Fire Department. A set of guidelines for inclusion and accessibility are being written to help business owners when thinking about the design of their parklet. A detailed checklist has been prepared, outlining the various applications and approvals required.

There will be an application deadline of May 31, 2021, for those businesses who are applying to place a parklet within the Downtown Pedestrian Mall. This deadline will be used to determine available vacant space within the Pedestrian Mall, and potentially allow other downtown businesses to use this space. Further details will be provided by Special Events staff.

Some buildings/storefronts which are located within the Water Street Infrastructure Project (Phase 4) may be delayed in the approval/construction of their parklets, depending on the completion date of Phase 4 construction.

Retail businesses can also make use of parklet space. If retailers wish to set up outside, they will need to make an application and apply for a lease of City land like any other business.

Churchill Square was added to this year's parklet program. Unlike the Downtown, the parking stalls in Churchill Square are perpendicular to the sidewalk instead of parallel to it. The proposed plan for this area is allow the parklets to locate within the parking stalls only. No encroachment onto the sidewalk would be considered. The parklet would take up the full depth of the parking stalls and end up being deeper than those Downtown.

It is recommended that all application and permit fees (required by PERS Development and by Inspection Services divisions) be waived for the development of parklets on City land and/or on private land.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owners and business owners.

3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Not applicable.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The application has been advertised in The Telegram newspaper and was posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

That Council approve the Discretionary Use application by the City of St. John's for Outdoor Eating Areas and Lounges located within the Downtown and Churchill Square on city land subject to all applicable requirements. It is also recommended that all application and permit fees be waived for the development of parklets on City land and/or on private land.

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Planning, Engineering and Regulatory Services

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Planning, Engineering and Regulatory Services

Report Approval Details

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Attachments:	
Final Approval Date:	Mar 18, 2021

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Mar 18, 2021 - 12:02 PM