



City of Hamilton

SPECIAL ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES AGENDA

Meeting #: 21-010

Date: September 24, 2021

Time: 4:00 p.m.

Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Alicia Davenport, Legislative Coordinator (905) 546-2424 ext. 2729

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. COMMUNICATIONS

4. DELEGATION REQUESTS

- 4.1. Susan Creer, Accessible Hamilton, respecting Additional Accessibility Concerns with Temporary Patio Programs (for today's meeting)

5. STAFF PRESENTATIONS

- 5.1. Temporary Patio Programs Information

6. PUBLIC HEARINGS / DELEGATIONS

7. ADJOURNMENT

4.1

Request to Speak to Committee of Council

Submitted on Wednesday, September 15, 2021 - 2:07pm

==Committee Requested==

Committee: Advisory Committee for Persons with Disabilities

==Requestor Information==

Name of Individual: Susan Creer

Name of Organization: Accessible Hamilton

Contact Number: [REDACTED]

Email Address: [REDACTED]

Mailing Address:
[REDACTED]

Reason(s) for delegation request: I presented to the ACPD meeting August 10, 2021 and was invited back to participate in this special meeting on September 24th. I wish to present further documentation and information about my concerns.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

HELLO TO THE A.C.P.D. MEMBERS, STAFF AND THE PUBLIC

I am happy to present to the Special A.C.P.D. Meeting in response to my 'porch patio/outdoor dining' concerns.

Susan J. Creer Chair Accessible Hamilton

September 24, 2021

An important note: Residents with ‘disabled parking permits’ are allowed to park up to three (3) hours at a metered parking space unless it is rush hour. This is due to folks with disabilities not being able to walk quickly because of a walker, cane, oxygen tank, etc.). There are City parking lots as well.




The 'porch patio' problem started in Westdale under former Ward 1 councilor Aidan Johnson so is not a 'pandemic' response as it has been touted in the media. This is the Snooty Fox restaurant in Westdale in June, 2019. Their patios blocked parking spaces at the bank when I needed to do some banking.



THE CHICKEN ROOST RESTAURANT SUMMER 2021

- The Chicken Roost on Main Street West Hamilton has a tent in their parking lot. I cannot tell if they are blocking the disabled parking spaces there.



CITY WORKING WITH BIA'S. I found out from other business owners in Westdale that only the 'old' village of Westdale is included in the BIA (Business Improvement Area). Not all the downtown Hamilton BIA's include all the local businesses either. 

Many other business owners in Westdale, downtown Hamilton, etc. are frustrated at having the metered parking spaces blocked due to this program which they are not part of. There are also City parking lots blocked by these selfish restaurant owners. In downtown Hamilton they have closed streets which is frustrating and dangerous.

Jean-Luc Mantel and his mom who is a health care worker dislike the roads being closed in downtown Hamilton especially as it affects them directly when she tries to find parking for work and finds the road closed on King William Street.

PORCH PATIOS ARE DANGEROUS.

The Argyle Restaurant on Ottawa St. has forced folks to go on a wooden sidewalk which is blocked with planters.

Argyle Restaurant Ottawa St. has a wooden sidewalk with planters on it which the visually impaired could trip on!



Argyle Restaurant has taken over the whole sidewalk and put a wooden sidewalk in. These wooden platforms can damage other cars as well as they try to park in those smaller parking spaces.



OTHERS WHO ARE CONCERNED!

I went to Westdale to do a silent protest in July, 2021 and many locals shared concerns about parking spaces being taken away.

I also called the Community Police office and Acting Sgt. Right said the HPS are annoyed with the road closures for it makes their job harder. Acting Sgt. Right also said the different departments at the City do not seem to talk to each other.

- A car accident lawyer I know wants to know about liability issues? If there is an accident on a patio could the City and the restaurant owner be charged?
- When I picked up my order from Little Caesars' (Sept. 22) I told the manager how I was advocating on this issue and she said "good, the squeaky wheel gets the grease"!
- Patios cause extra idling of traffic as they wait. Hamilton is in a "climate emergency" so the patio program should be cancelled as a contributor.
- I know the hospitality business has been badly hit by the pandemic. Restaurants can consider another business model such as take-out or delivery.

I am coming to the
end of my PPT
Presentation to
the ACPD (Sept.
24, 2021)
Susan Creer

I do hope the ACPD will agree to approach the City officials to stop the 'porch patio/outdoor dining' program.

Thank you for your time.

I know there will be a question time as well.

The 'porch patio' program started in my area when Aidan Johnson was Ward 1 councilor. Mr. Johnson frequently commented that his partner has a disability; I have always been most distressed and saddened when the 'porch patio' program started under his watch. It seemed that Mr. Johnson and the City seemed to be allowing only 'special' BIA restaurants to make money off the backs of the disabled by taking away needed metered parking spaces and City parking lots. What about the Cobblers, Fabric stores, Skate Shop Owners and other non-BIA restaurants in the locations affected by the knock-on effect of less metered street parking and City parking lots?



Temporary Patio Programs Information

Advisory Committee for Persons with
Disabilities

September 24, 2021

Staff

Jason Thorne - General Manager of Planning and Economic Development

Brian Hollingworth – Director of Transportation Planning and Parking

Rob Lalli, Manager of Strategy, Open for Business and Continuous Improvement

Amanda McIlveen – Manager of Parking Operations and Initiatives

Julia Davis – Business Development & BIA Officer

Program Background

2 separate programs provided for bars, restaurants, cafes, to extend their service area into the outdoor space

On-Street Patio Pilot Program

- On-Street Patio or Pedestrian By-Pass Structures in municipally owned metered parking spaces

Outdoor Dining Districts Program

- temporary patio extensions on both municipal and private property with no permanent fixtures installed – intended as support during COVID-19

On-Street Patio Program

- Includes wooden structures that utilize metered parking spaces on municipal roadways
- Approved by City Council in June 2016 (Report PED16119) and runs annually
- Patios located in Business Improvement Areas and Community Improvement Plan Areas

On-Street Patio Program

- Applicant must submit engineer stamped drawings with application
 - Applicants source their own engineers
 - Sample drawings available on program website which outline Construction Requirements and Platform Guidelines (including but not limited to: flat, flush entrance, mobility device turn space of 1.5m)
- Approved structures are permitted annually from May 1st through October 31st

On-Street Patio Program

- Designs can be one of 2 forms:
 - On-Street Patio which is a wooden patio structure in the parking space on the road leaving the sidewalk access unimpeded
 - Pedestrian By-Pass Structure which puts the patio on the sidewalk with a walkway structure around it into the parking space on the roadway

On-Street Patio Program

- Safety Devices installed on the roadway at all On-Street Patios (Road Occupancy Permits are issued):
 - Rubber Parking Stop Blocks (black and yellow)
 - Yellow Delineator Posts
 - Temporary Knock down Bollards
 - Planters

On-Street Patio Program



Image of an On-Street Patio at hambgr on King William Street. The wooden structure is located in the parking space with the sidewalk completely unobstructed. On the structure are tables (with patrons and umbrellas).

On-Street Patio Program



Image of a Pedestrian By-Pass Structure at The Argyle on Ottawa Street. The Patio area is on the sidewalk with the pedestrian by-pass structure in the parking space diverting traffic flow around the patio. The safety measures: Temporary Knock Down Bollard, Rubber Parking Stop Block, Yellow Delineator and Planter are shown.

Outdoor Dining Districts Program

- New COVID-19 Relief program
- Approved by City Council in May 2020 and extended to October 31, 2021 (Report PED20169)
- Permits temporary patio extensions on both municipal and private property

Outdoor Dining Districts Program

- Patios are intended to be temporary only, can have no permanent fixtures and no elements implemented that would require a building permit
- All patios (municipal or private property) must have an unencumbered accessible route measuring at a minimum 1.5m that remains open for access and space for a mobility device to turn

Outdoor Dining Districts Program

- A survey of program participants conducted in September 2020 found that the program was vital, with 90% of respondents stating that it was Extremely Important to their business.
- Respondents also reported that business on their temporary outdoor patios accounted for an average of 63% of all revenue

Outdoor Dining Districts Program



Image of the Caro alleyway patio just off James Street North. Tables are aligned along one side with an unencumbered walkway the entire length of the alleyway

Council Direction for Outdoor Dining Districts Program

- i. All public health requirements, including COVID-related health requirements, as well as all applicable Provincial Orders be followed;
- ii. that applications be accepted through the Economic Development Division and that staff ensure, through the SEAT circulation process, that there will be no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;

Council Direction for Outdoor Dining Districts Program

- iii. that patios generally not be permitted between November 1, 2020 and April 30, 2021 on-street, except where done as part of a full street closure that does not allow for vehicular access, or where otherwise approved by the Transportation Operations and Maintenance Division of the Public Works Department;

Council Direction for Outdoor Dining Districts Program

- iv. that no application fee be charged and that costs related to any necessary road closure permits or parking charges be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be borne by the applicants;
- v. that any temporary outdoor patios that occupy streets or public parking spaces include written support from the BIA or, if not within a BIA, have at least two-thirds buy-in from all businesses on the affected block(s) through petition;

Council Direction for Outdoor Dining Districts Program

- vi. that the Ward Councillor be notified of each case of any outdoor patio application in advance of any approval or implementation;
- vii. that any patio not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements;
- viii. that winter maintenance surrounding patios on public property be undertaken by the applicant and the patio not impede sidewalk maintenance equipment; and

Council Direction for Outdoor Dining Districts Program

- x. that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and having no alterations that require a Building Permit.

Review Process

When applications are received for municipal property the following Divisions have 5 days to provide comment:

- Corridor Management & Roadway Permits
- Parking
- Police Services
- Paramedics
- Fire
- Public Health
- Traffic Operations and Maintenance
- Building
- Transit (HSR)
- Licensing
- Parks
- Encroachment

Some Accessibility Requirements For All Program Participants

- Outdoor patio shall be barrier-free accessible where the existing establishment is barrier free accessible
- On private property, clearly marked, reserved accessible parking spaces that are within closest proximity to Outdoor Dining District location, entrance and exits
- Water closets and lavatories available for patrons and include barrier-free accessible facilities where the existing establishment is barrier-free accessible.
- Accessible, prominently displayed directional and information signage
- Unencumbered access path measuring at a minimum 1.6m must remain open for to pass by the patio at all times and enable a mobility device to turn
- Sufficient lighting provided at hallways, pathways and stairs for persons with low vision

Contact Information

For any questions or concerns regarding patios:

Outdoor Dining Districts Team
Phone Number: 905-546-2424 ext. 2632
Email: outdoor.dining@hamilton.ca

To lodge a By-Law complaint

Municipal Law Enforcement
Phone Number: 905-546-2782
Email: mle@hamilton.ca

Questions?