



**City of Kingston
Report to Council
Report Number 21-056**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: Kate Lillicrap, Project Manager, CAO's Office
Date of Meeting: February 16, 2021
Subject: Love Kingston Marketplace 2021 – Road Closures, Expanded Patio Spaces and Temporary Pick-up and Delivery Parking in Paid Parking Areas

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

Given the health and economic impacts of COVID-19, the City of Kingston elected to launch 'Love Kingston Marketplace' (LKM) on June 24, 2020.

LKM 2020 reimagined parts of downtown to create more public space for pedestrians and businesses, and created opportunities for new, creative experiences aimed at rejuvenating the downtown over the summer and fall of 2020. Additional public spaces that were created as part of LKM 2020 included expanded temporary patio spaces and pick-up/delivery parking zones.

The City, along with partners Tourism Kingston and the Downtown Kingston! Business Improvement Association, have begun planning for LKM 2021. Feedback received from LKM 2020 has been considered in determining what, how and where the project will be implemented in 2021.

LKM 2021 is anticipated to launch in April/May of 2021 and include the following initiatives: live musical performances, programming for children/family, Indigenous programming and re-introduction of the Love Kingston Vending Stalls in Springer Market Square.

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In addition to the initiatives listed above, this report recommends that Council delegate authority to the Director of Transportation Services to:

- allow for the temporary conversion of public paid and unpaid parking spaces for expanded temporary patio space to be used by adjacent permitted businesses as part of LKM from May 1 to October 31, 2021;
- review, approve, decline and issue new and existing temporary sidewalk patio permits until March 31, 2022;
- identify and implement the temporary parking regulations with appropriate signage, to implement components of the Love Kingston Marketplace

This report recommends Council waive By-Law 87-136, (the "Sidewalks By-Law"), to allow for sidewalk patios during the period until March 31, 2022.

This report further identifies for Council that temporary road closures will form part of the Love Kingston Marketplace programming for the 2021 season and that the Downtown Kingston! Business Improvement Association will seek approval to temporarily close streets.

Recommendation:

That Council delegate authority to the Director, Transportation Services to identify and implement the temporary conversion of public paid parking spaces to expanded temporary patio spaces for permitted business use, between May 1, 2021 and October 31, 2021, based on the process and framework outlined in Report Number 21-056; and

That Council authorize the Director of Transportation Services, to review, approve, decline and issue new and existing temporary sidewalk patio permits until March 31, 2022, upon terms and conditions satisfactory to the Director of Transportation Services, in consultation with the Legal Services Department; and

That Council waive By-Law Number 87-136, 'A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Applications for the Extended Use of Sidewalks' (the "Sidewalks By-Law"), to allow for sidewalk patios during the period until March 31, 2022, and to forego the public notice requirements contained in the Sidewalks By-Law for any new sidewalk patios approved for such period; and

That Council delegate authority to the Director, Transportation Services to identify and implement the temporary parking regulations with appropriate signage, to implement components of the Love Kingston Marketplace initiative, as part of the City's on-street and off-street public parking areas until March 31, 2022; and

That Council acknowledges the temporary road closures will form part of the Love Kingston Marketplace programming for the 2021 season and that the Downtown Kingston! Business Improvement Association will seek approval to temporarily close streets based on the process outlined in Report Number 21-056.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	

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Options/Discussion:**Background**

The novel Coronavirus disease 2019 (COVID-19) has resulted in an ongoing worldwide pandemic. The first case reported in KFL&A was on March 17, 2020. Physical distancing (limiting the number of people you are in close contact with) has been shown to be an effective means of reducing the spread of COVID-19.

Given the health and economic impacts of COVID-19, the City of Kingston elected to launch the Love Kingston Marketplace (LKM) on June 24, 2020 focused on providing:

- Additional physical space to improve physical distancing downtown
- Additional physical space for pedestrian movement, seating, and dining
- Additional physical space for businesses to expand operations outdoors
- Additional support and opportunities for businesses to generate revenue
- New and creative animations to improve the downtown experience and ambience

LKM 2020 expenses covered by the City totaled \$320,000. The project was funded as outlined in the table below:

Funding	Amount
Ontario's 2019-20 Francophone Community Grants Program	\$10,000
The AMO-Main Street Revitalization Fund Grant	\$70,000
\$240,000 from approved 2020 capital & operating budgets:	
○ Cultural Capital Contributions (\$100,000)	
○ City Department Contributions (Recreation & Leisure, CAO's Office and Transportation) (\$100,000) and	\$240,000
○ A Municipal Accommodation Tax Reserve Fund Contribution (\$40,000)	
TOTAL	\$320,000

The City, along with partners Tourism Kingston and Downtown Kingston!, have begun planning for LKM 2021. A full list of programming and animation associated with LKM 2021 has yet to be completed, however, it is expected that this year's project will include live musical performances, programming for children/family, Indigenous programming and local businesses operating Love Kingston Vending Stalls in Springer Market Square.

As part of LKM 2021, the following initiatives have also been proposed:

- **Expanded Patios and Extended Patio Season** - This report recommends that the City allow for the temporary conversion of public paid and unpaid parking spaces for expanded temporary patio space to be used by adjacent permitted businesses until

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October 31, 2021 and provide for the extension of the operation of existing patios on sidewalks through March 31, 2022 if required.

- **Parking Regulation Changes** - This report further recommends that the City allow for the temporary conversion of public paid and unpaid parking spaces to facilitate 10-minute maximum parking to facilitate pick-up and delivery activities and other regulations necessary to implement the LKM initiatives, where and when deemed warranted, through March 31, 2022.
- **Temporary Road Closures** - This report further recommends that the City plan for temporary road closures, led by Downtown Kingston!, on Market Street and sections of Princess Street, Ontario Street and Sydenham Street to facilitate patio expansions, animation and/or place-making.

Review of Expanded Patios in 2020

As part of LKM 2020, additional patio space was offered to downtown businesses as a means of expanding operations outdoors and providing space for additional physical distancing. These expanded patios were temporary in nature and were provided in on-street parking spaces adjacent to a participating business. In limited areas existing patios were also able to expand further onto the sidewalk provided accessible pedestrian options could be maintained.

In addition to the approximately 40 permanent patios that previously existed, an additional 61 permits were issued during the 2020 season for expanded/temporary patio and retail spaces. A breakdown of the establishments who utilized these expanded spaces is as follows:

- Licensed establishments: 30
- Unlicensed serving establishments: 15
- Retail establishments: 16

The City provided a total of 1942 square metres (20,710 square feet) of expanded patio space in 2020 by repurposing approximately 100 on-street parking spaces. Two (2) of the retail patio permits that were issued were used exclusively for patron waiting lines, while other retailers used their expanded spaces in a variety of ways including: displaying merchandise, showcasing local artists and offering services.

No fee was charged to businesses in 2020 for existing or expanded patio spaces. The associated revenue lost through this approach was approximately \$65K for patio fees and \$191K for lost parking revenue. These estimates are based on the revenue normally associated with the annual patio program and a presumed 50% occupancy of on-street spaces that were converted to temporary expanded patios.

During LKM 2020, expanded patios were located at the same level as traffic within the parking layby areas along the downtown streets. The parking laybys, which are approximately 2.7 meters wide (approximately 9 feet) are at the same level as the street and are adjacent to the active vehicle lanes. The parking laybys were converted to expanded patio areas by placing

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concrete jersey barriers that provided a solid, stable barrier between adjacent moving traffic and patrons occupying enclosed patio spaces. The barriers were placed to maximize the available interior space for patio areas while maintaining the minimum vehicle lane width required. Accessible ramps for each expanded patio area were designed and installed to allow access by those with mobility devices. The concrete jersey barriers were adorned with custom made colourful 'Love Kingston'/'Aime Kingston' stickers/decals.

The temporary extended patio and retail areas remained in place until November 2020 when the spaces were returned to on-street parking ahead of the winter season. Existing, seasonal patios located on the sidewalk areas were given an opportunity to continue operation through the winter as part of [Report Number 20-245](#).

As part of the LKM 2020 consultation and feedback process, a number of surveys were made available to downtown businesses and residents.

Of those businesses who chose to complete the mid-point 'Check-In Survey':

- 61% of those that expanded their business space outdoors used this additional space 5-7 days a week.
- 73% of businesses were able to serve more customers/patrons with the expanded space than they would have without the expansion. 23% of businesses with expanded space were able to serve the same number of customers/patrons as they would have without the expanded space.
- 86% of businesses shared that the expanded patio spaces positively impacted business while 14% said it was too soon to tell.
- Sixteen (16) businesses did not expand their business space outdoors. Of these, 62% chose not to expand because of a preference that the space be used for parking, 19% did not to expand due to a lack of staffing support, and 15% did not expand due to security concerns with managing the additional space.

Of those businesses that completed the 'End-of-Project Survey':

- 44% of businesses operated their patio until November 2020. 22% of businesses operated their patio until October 2020. 11% of businesses used their expanded patio space until both September and August.
- 30% of businesses shared that the expanded patio space provided additional seating for more than 20 patrons/customers. 30% of businesses said the expanded space provided space for 1-5 additional patrons/customers. 20% of businesses said the expanded space provided space for 6-10 additional patrons/customers. 20% of businesses said the expanded space provided space for 11-20 additional patrons/customers.

Verbal and written feedback indicate that the expanded patios were very well received by both the patio operators and the public at large. Many commented that the additional patio spaces made downtown more vibrant and, in some cases, contributed to business survival during the 2020 year.

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The primary concern raised by the businesses regarding the expanded patios related to the barriers and other temporary items that were required to separate the patio areas from the traffic lanes. The size, appearance, and deployment of the barriers were noted as concerns as was the total space within the resulting area that could be used for patio setup.

Feedback provided by many residents and businesses indicated an appreciation for the creative approaches taken to 'beautifying' the concrete barriers, while some indicated that the concrete barriers reminded them of a construction zone and detracted from the ambience of Kingston's downtown.

Expanded Temporary Patios and Extended Patio Season

Planning for the expanded patios to be included as part of LKM 2021 is underway. Preliminary consultation with businesses by Downtown Kingston! indicates that more than 55 downtown businesses are interested in having the opportunity to expand operations outdoors in 2021 via a temporary patio or retail space in a parking lay-by.

Given the feedback received during the 2020 season, the LKM 2021 team has worked to improve the amount of space provided by this year's expanded patios, as well as the appearance/visual appeal.

The City will refine the on-road safety barriers required for the expanded patios this year by using concrete barriers that are approximately half the height, 45 centimeters (18 inches), of those used in the previous season and will intersperse concrete planters into the barrier wall. This approach will provide the required protection from vehicles that are directly adjacent and at the same level as the temporary patios but is intended to better integrate the areas with the business and pedestrian environment.

The shorter concrete barriers also have a smaller base and will increase the space available in the footprint of the patio area. The planters will be filled with seasonally appropriate plants, providing some greenery and softening the feel of the patio spaces.

Similar to the 2020 implementation, the City will not charge any fees associated with expanded temporary patios and will forego revenue associated with any metered on-street parking spaces that are displaced. Fees for the permanent seasonal patios will be collected under the normal process.

In support of the expanded patio initiative, the Downtown Kingston! Board of Management, at its regularly scheduled Board meeting, on January 20, 2021, approved the following motion:

That: Understanding that the Tourism Working Group has committed to supporting half the cost of the expanded patio program for the expanded patios, that Downtown Kingston! fund the remaining 50% of the expanded patio initiative. It is also understood that the City intends to buy back the jersey barriers in 2022, less any depreciation.

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Based on the continued interest in allowing temporary patio arrangements and the support of both Tourism Kingston and Downtown Kingston! staff recommend the temporary conversion of public paid and unpaid parking spaces, on-street and off-street for expanded patio space to be used by adjacent permitted businesses, where and when deemed warranted, between April 1, 2021 and October 31, 2021.

It is also recommended that staff be granted delegated authority to extend the patio season through the winter to March 31, 2022 for the existing sidewalk patios, if warranted, based on the framework that was outlined in [Report Number 20-245](#).

Downtown Kingston! will be responsible for working with business owners throughout the expanded patio process. This includes comprehensive consultation, on-going communication with businesses and supporting Transportation and Engineering Services with other business-related interactions as required.

Parking Regulation Changes to Support LKM 2021 Initiatives

As part of LKM 2020, the City temporarily designated a number of free, 10-minute parking zones intended for pick-up and delivery parking within the downtown area to support retail operation and deliveries.

Use of the 10-minute parking spaces are on a first come, first served basis and are added in a way that considers accessibility, the commercial loading zones that already exist, and overall use of the parking supply. The intent is not to provide dedicated pick-up and delivery spaces for an individual business, unless mandated through Provincial regulation.

As approved in [Report Number 20-245](#), the City extended this pick-up, drop-off program through May 31, 2021 to provide flexibility to respond to changes in Provincial and regional requirements for retail and restaurant operations. Since December 23, 2020, the City has converted approximately 25 spaces within the downtown to free 10-minute pick-up/delivery areas in response to the Provincial restrictions that were put in place in late December.

The flexibility to temporarily change parking regulations to respond quickly to changes in the operating restrictions that are in place is a useful tool. Given the uncertainty that continues to exist for in-person dining and shopping it is recommended that the 10-minute pick-up, drop-off spaces continue as a tool available to support LKM in 2021.

In addition to pick-up and drop-off, the expanded patio areas may require the City to temporarily convert some existing parking areas to No Parking, No Stopping, Commercial Loading Zones, or accessible parking. Details of the specific parking regulatory changes required will not be known until the detailed designs of each individual expanded patio area is completed.

To expedite the implementation of the expanded patios and allow a nimbler response to changing pandemic conditions, this report recommends that Council delegate authority to the Director of Transportation Services to identify and implement the temporary parking regulations

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with appropriate signage, where and when deemed warranted, as part of the City's on-street and off-street public parking areas until March 31, 2022.

This time period would allow for changes required for LKM program through the end of 2021 and any additional temporary changes through to the start of the 2022 patio season.

As the temporary parking regulation changes may replace existing paid on-street and off-street parking spaces, the City would be required to forego revenue associated with these spaces. The maximum revenue generated at a single space, per week is \$96 although utilization is subject to change based on COVID-19 restrictions and seasonal fluctuations. Parking Services staff will work to minimize these losses by monitoring the use of spaces that are added, by adjusting or removing spaces, as warranted.

Temporary Lane and Road Closures for Events and Dining

Lane Closures

During LKM 2020, a small number of road and lane closures were implemented, including lane closures on Princess Street (from Division Street to Ontario Street) and Brock Street (from Ontario Street to King Street). These lane closures were implemented in early June following consultation with downtown businesses, Downtown Kingston! and Tourism Kingston to provide additional pedestrian space to support physical distancing while continuing to allow vehicles in the remaining open lane.

Once in place, overwhelming feedback from businesses and residents was that the lane closures on Princess and Brock inhibited traffic movement and business deliveries to too great a degree, and that the required infrastructure used to delineate space between the traffic lane and pedestrian lane (e.g., metal fencing and barriers) was not visually appealing and detracted from downtown's ambience. The City, in discussion with the LKM stakeholders, removed these lane closures due to this feedback and modified the expanded patios areas to allow continued retail use.

No lane closures are being proposed as part of LKM 2021 based on the feedback and learned lessons from those lane closures that were attempted on Princess Street and Brock Street in 2020.

Temporary Full Road Closures

Market Street closed for the duration of the LKM project from June to November 2020. This closure did not allow any vehicular traffic to enter from Ontario Street, however moveable barriers at the King Street end of Market Street allowed market vendors and other permitted vehicles (e.g., maintenance, solid waste, deliveries) to enter as required. This full closure allowed for additional space for pedestrian movement and the placement of additional seating. Feedback from the public about this additional seating was overwhelmingly positive and supportive.

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In September, Princess Street was fully closed for one weekend to support a Love Kingston Marketplace Sidewalk Sale modeled after the annual Princess Street Promenade. Business and resident feedback on this closure was overwhelmingly positive and provided businesses with the ability to expand operations outdoors, and pedestrians with additional space to move and shop. Temporary road closures have been proposed downtown as part of LKM 2021 programming by Downtown Kingston! and Tourism Kingston to provide additional space for:

- Seating (e.g., Muskoka chairs placed on Market Street)
- Temporary patio expansions (e.g., allowing restaurants on Ontario Street to expand outdoor dining/seating on the sidewalk in front of businesses, and pedestrian movement to be accommodated on the road)
- Other animation/programming (e.g., pop-up performances by local artists on Sydenham Street)

Similar to the annual Princess Street Promenade, road closures will be organized and operated by Downtown Kingston! with approvals granted by the City through the existing road closure process. Downtown Kingston! as the applicant, will be required to provide a satisfactory traffic management and communication plan as part of their application. Requirements will include consultation with impacted property owners, access for emergency services and municipal operations, and facilitation of deliveries or access needs by impacted property owners.

Based on preliminary discussions the following temporary road closures, identified in Table 1, will be included as part of LKM for 2021.

Table 1 - Planned Temporary Road Closures

Street	Months	Days	Timing
Market	April 1 – December 31	Full-time	Full-time
Sydenham	End June – Early September	Saturday	10am-3pm
Ontario (Johnson – Clarence with Clarence completely open) in consultation with business/res	June 18, 19, 20 July 2, 3, 4 July 30, 31, Aug 1 Sept 3, 4, 5	Friday evening, Saturday evening, Sunday midday	Friday and Saturday 4pm-12pm Sunday 11am-4pm

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Street	Months	Days	Timing
Princess St (Division to Ontario with Barrie, Bagot & Ontario open to thru traffic)	June 19 July 10 July 31 Sept 18	Saturday	Event: 10am-5pm Closure: 7am-5pm (on days that coincide with Ontario St closure, Downtown Kingston! will endeavour to open Princess as fast as possible)

Existing Policy/By-Law:

By-law Number 2010-128, "A By-law to Regulate Parking"

By-law Number 87-136, "A By-law to Authorize The Adoption Of Regulations Established For the Purpose of Dealing with Applications for the Extended Use of Sidewalks"

Notice Provisions:

None

Accessibility Considerations:

Any accessible parking spaces that are temporarily unavailable due to road closures or expanded patios will be relocated to a nearby accessible location. Changes to the accessible parking supply are communicated by the City and are reflected in the Honk Mobile parking app. Existing accessible spaces will not be converted to 10-minute pick-up and delivery spaces.

The City will require expanded patios to be accessible and, similar to 2020, provide an accessible ramp into each on-street parking area that is converted.

Temporary road closures are required to ensure that an accessible option or alternative is available.

Financial Considerations:

At the time of this report, the only funding being provided directly from the City to the LKM 2021 project include \$42,500 from Cultural Services. These funds exist as part of the approved 2021 budget and are slated to go towards initiatives focused on art installations, an Arts Walk, musical performances and arts programming. Many of these initiatives were already planned as part of the Department's 2021 workplan and are being repurposed to support and align with LKM 2021 initiatives.

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The other expenditures anticipated as part of LKM 2021 are planned to be covered by Tourism Kingston and Downtown Kingston!. The City will support some programming, operations, maintenance and regulatory signage with existing, approved operating funds.

Revenue associated with on-street parking spaces that are converted to patio or retail spaces, pick-up and delivery spaces, or temporary unavailable as part of road closures will be lost. The maximum revenue loss per paid parking space would be \$96 per week. Parking Services staff will work to minimize these losses by monitoring the use of spaces that are added, by adjusting or removing spaces, as warranted.

Contacts:

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Other City of Kingston Staff Consulted:

Ian Semple, Director, Transportation Services

Luke Follwell, Director, Engineering Services

Exhibits Attached:

None