

2. ELGIN STREET - POTENTIAL VENDING LANES

COMMITTEE RECOMMENDATION

That Council approve that traffic lanes not be set aside for the use of street vending on Elgin Street between Laurier Avenue and Queen Street.

DOCUMENTATION

1. Director, Mobility Services and Corporate Fleet Services report dated 29 April 1999 is immediately attached.
2. Extract of Draft Minute, Transportation Committee, 2 June 1999, immediately follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.	50 12-99-R091, 02-99-0026
Your File/V/Réf.	03 07-99-0096
DATE	29 April 1999
TO/DEST.	Co-ordinator Transportation Committee
FROM/EXP.	Director Mobility Services and Corporate Fleet Services Environment and Transportation Department
SUBJECT/OBJET	ELGIN STREET - POTENTIAL VENDING LANES

DEPARTMENTAL RECOMMENDATION

That the Transportation Committee recommend Council approve that traffic lanes not be set aside for the use of street vending on Elgin Street between Laurier Avenue and Queen Street.

BACKGROUND

The Transportation Committee, at its meeting of 18 November 1998, while considering a staff report on the reconstruction of Elgin Street between Laurier Avenue and Queen Street, approved Motion TC-10-98, which is:

“That staff examine the support for an impact of converting curb lanes into vendor lanes for small business - such as book stalls, flower vendors, et cetera.”

This report will identify and discuss the issues pertaining to this motion.

VENDING ISSUES

Part 2.11 of the Regional Regulatory Code prohibits vending on Regional roads except for a person:

- selling or displaying for sale farm produce of such persons own raising from a table, handcart or wagon, or from a stationary vehicle on a highway provided that the person conforms to the provisions of the Traffic and Parking By-law;

- selling goods and merchandise or services or soliciting funds on behalf of an organization for charitable purposes; and
- participating and selling in a sidewalk sale which is sponsored by a recognized Business Improvement Area or a merchant association and authorized by a Special Event Permit.

In addition, street vending is permitted on Regional roads within area municipalities where the municipality agrees to license and regulate the vendors, subject to general guidelines stipulated in Part 2.11. The City of Ottawa has done this; therefore, street vending is permitted within its boundaries.

The City of Ottawa has, for the purpose of controlling vendors, designated the central core as a Removal Zone. This action, supported by the vendors, ensures that they do not all congregate in the more desirable central area. Within the Removal Zone, vending is permitted only in designated locations selected by the City of Ottawa, and any street vendor caught vending at a non-designated location is removed immediately. The City of Ottawa would therefore have to designate locations on Elgin Street, if it is decided to proceed with permitting vending in the curb lanes. Based on correspondence with the City of Ottawa, it seems very unlikely that they would wish to do this (refer to Annex A).

TRAFFIC CAPACITY ISSUES

Reducing Elgin Street by one curb lane in both directions between Laurier Avenue and Queen Street would result in the following intersection failures:

- (a) Elgin Street and Laurier Avenue would fail in the southbound direction during the a.m. peak period;
- (b) Elgin Street and Slater Street would fail in the northbound direction during the a.m. and p.m. peak periods; and
- (c) Elgin Street and Queen Street would fail in the northbound direction during the a.m. and p.m. peak periods.

Furthermore, there will be insufficient space to store vehicles between the intersections, resulting in them likely backing up into adjacent intersections and blocking cross street traffic. This is particularly critical at the intersections of Elgin Street with Albert and Slater Streets which are essential core area links in the Transitway. Blocked intersections would also impact pedestrians attempting to cross Elgin Street during these periods.

If only one curb lane was set aside for street vendors, the appropriate consequence can be extrapolated from the above description.

OTHER CONSIDERATIONS

A review of the proposed reconstruction plan indicates that there are other considerations that may impact any decision to permit street vending in traffic lanes on Elgin Street between Laurier Avenue and Queen Street. The first issues discussed are common to the entire area under discussion, followed by block specific concerns.

It is proposed to plant trees in the outer boulevard (the space between the sidewalk and curb) in all the block faces except for the easterly block face between Albert and Slater Streets. The design requires that rough textured granite cobblestones be placed between the trees in the boulevard area. Furthermore, the cobblestones will be loosely spaced to permit water to percolate into the ground to provide moisture for the trees. The stones may be relatively flat when they are first installed but will heave in the future because of frost action. The outer boulevard is not intended to be a walking surface and may be challenging for elderly, physically handicapped or visually impaired persons. This is an issue because if curb lanes are set aside for the use of street vendors, people who wish to purchase their wares will, in all likelihood, use the outer boulevard to access them. The uneven walking surface may place the Region in a position of liability. Therefore, permitting street vending will require a design change vis-à-vis the outer boulevard surface. This may have an impact on the tree planting planned.

Elgin Street between Cooper and Wellington Streets is identified in the Cyclist Guide Map as an unsigned on-road cycling route. The curb lanes on cycling routes are purposely made wider than other adjacent traffic lanes, to safely accommodate both cyclists and motorists. If the curb lanes are set aside for the use of street vendors, either permanently, or used for summer months or daily off-peak hours only, accommodation must be made for cyclists.

Laurier Avenue to Slater Street

As a result of a discussion at the Transportation Committee on 07 October 1998, there will be a bus lay-by constructed in front of the Lord Elgin Hotel. Additionally, it has been agreed, as a compromise with the Lord Elgin Hotel, that the westerly curb lane between the north access to the hotel and Slater Street may be used for bus loading. This effectively eliminates the west curb lane as a potential street vending site.

The easterly block face presents problems as well. First, there will be a bus shelter/stop located in the outer boulevard immediately south of the northerly entrance to Confederation Park. Secondly, motorists presently queue in the curb lane waiting to safely access the National Arts Centre parking lot located immediately north of Confederation Park. From an aesthetic perspective, the presence of vendors in the curb lane immediately adjacent to Confederation Park may be considered to be intrusive to both pedestrians and motorists.

Slater Street to Albert Street

The westerly block face will have a mid-block bus shelter/stop situated in the outer boulevard leaving little room for vending.

The easterly curb lane would not be a desirable location for street vending because of its relatively short block face, and it is situated on a grade.

Albert Street to Queen Street

The westerly block face fronts the British High Commission, and street vending could theoretically be permitted in this curb lane although southbound traffic would be congested.

The easterly block face fronts the National Arts Centre, and this curb lane is not recommended as a vending site because, as indicated earlier, the intersection of Elgin Street and Queen Street will fail in the northbound direction during the a.m. and p.m. peak periods.

CONSULTATION

A copy of Motion TC-10-98 was sent to the property owners fronting the subject section of Elgin Street requesting comments on the proposal to set aside traffic lanes for the use of street vendors. Additionally, a copy of the motion was sent to the Ottawa-Carleton Regional Police Service, Royal Canadian Mounted Police, OC Transpo, Ottawalk, Ottawa-Carleton Board of Trade, Sparks Street Mall Authority, Rideau Street BIA, Rideau Centre and Regional Cycling Advisory Group requesting comments. The City of Ottawa Licensing Branch was requested to comment on the proposal as it would have to designate the vending locations. Additionally, residents in the Elgin Street postal code area were asked to comment on the proposal.

The consultation responses are attached as Annex B.

CONFORMITY TO THE TRANSPORTATION MASTER PLAN

Section 2.5.2 of the Transportation Master Plan requires that the operational efficiency of infrastructure be maximized. Further, staff are to “implement transportation system management measures, such as traffic and incident management plans, congestion management strategies and driver advisory systems, to optimize the operation of roadway facilities and maximize their available capacity.” The potential consequence of setting aside two lanes for the use of street vendors in one of the key transportation modes in the central business district is at odds with Section 2.5.2.

FINANCIAL IMPLICATIONS

If it is decided to proceed with the establishment of vending lanes on Elgin Street, it may be necessary to separate the vendors and their customers from vehicular traffic in the adjacent lane. The potential use of barricades would depend on the type of vending and conditions under which vending is permitted, ie permanent vending versus off-peak hours, chip wagons versus sidewalk carts on the street, etc. Chip wagons, for example, may not require barricades whereas the use of carts may. This would be determined in consultation with the City of Ottawa (which licenses vendors) and the permit holders.

If barricades are required, however, this could be accomplished with jersey barriers (the best protection but also the most expensive option at about \$80-\$100/metre), wooden barricades which could be provided at a nominal cost (the most easily installed and removed but offering the least protection if hit by a vehicle) or steel barrier fence, sometimes used for crowd control, (more difficult to install than wooden barricades but less difficult than jersey barriers, and offering slightly greater protection than wooden barricades but less than jersey barriers) which could be provided at a cost of \$300 per panel. If required, it is recommended that the street vendors share the cost of providing, installing, maintaining and removing the barricades.

The City of Ottawa would have to designate vending spaces and will receive any permit fees paid by the vendors. The Region does not share any part of these fees.

CONCLUSION

This report has shown that any benefit to small business that may result from providing vending space in the curb lanes will be offset by the detrimental effect that its presence will have on traffic, public transportation, other permanently established small business in the vicinity and Confederation Boulevard.

*Approved by
Doug Brousseau*

SEM

Attach. (2)



City of
Ville d' **Ottawa**

OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT	
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FILE NO.: 21-99-1650	
REC. NO.: 1977	
FILE:	COPIES SENT TO:

March 19, 1999

EW-182-27; EW-1560-27/E30;
Micro 359414

FAXED

Mr. Stu Marshall, By-laws Administrator
Region of Ottawa-Carleton
Environment and Transportation Department
Mobility Services Division
By-laws and Administration Section
111 Lisgar Street
Ottawa, ON K2P 2L7

Dear Mr. Marshall:

Subject: Street Vending on Elgin Street, between Laurier and Queen

Thank you for the opportunity to provide comment on the Region's draft report entitled "Elgin Street - Potential Vending Lanes". The City's Department of Urban Planning and Public Works supports the staff recommendation on page one of the report that the traffic lane under review NOT be set aside for street vending.

As you know, street vending in Ottawa is regulated by way of licensing. Since 1993, there has been a moratorium on the issuance of public property vending licenses; in other words, for six years now, vendors have been invited to renew existing licenses but no new roadway or sidewalk licenses have been made available. The moratorium was designed to address a proliferation of vendors throughout the City which had given rise to congestion, territorial fighting and a significant number of complaints from fixed businesses and vendors alike. The Department believes that most stakeholders support the continuation of the moratorium at this time.

In addition to the City-wide licensing programme, the area of Elgin Street with which your report is concerned falls within the City's Designated Space Programme. That programme, as you know, identifies and assigns specific vending spaces to individual vendors with the rest of the area designated a "removal zone" within which no street or sidewalk vending can occur. There are six lawful sidewalk vending spaces on Elgin Street, all occupied by licensed vendors; the whole of the roadway and the rest of the sidewalk are part of the removal zone. Recently,

Department of Urban Planning and Public Works
111 Sussex Drive, Ottawa, Ontario K1N 5A1
Tel.: (613) 244-5300, ext. 1-3204
Fax: (613) 244-5482
<http://city.ottawa.on.ca>
E-mail: planning@city.ottawa.on.ca

Service de l'urbanisme et des travaux publics
111, promenade Sussex, Ottawa (Ontario) K1N 5A1
Tél. : (613) 244-5300, poste 1-3204
Télec. : (613) 244-5482
<http://ville.ottawa.on.ca>
C. élec. : planning@city.ottawa.on.ca

the Department had occasion to review the status of the Designated Space Programme with stakeholders; overwhelmingly, respondents agreed that the programme is working well and that the status quo (no new spaces/retirement of vacated spaces) should continue.

Even if the City's longstanding vending regulations can be overcome without controversy to accommodate a new vending programme on Elgin Street, the Department is concerned that any additional congestion on that street will result in diversion of traffic to the side streets that intersect Elgin. Moreover, since Elgin is the continuation of the cycling route established on Cartier Street, vending in the curb lane will reduce the area available to all traffic and will adversely affect cycling.

I trust that this Department's comments will be relayed to Transportation Committee. If you have any questions or to keep us informed of developments, please call Martha Boyle, Manager of Licensing and Animal Control, at 244-5300-1-3204.

Thank you for soliciting our input.

Yours truly,



E.M. Robinson

Commissioner of Urban Planning and Public Works

YH.yh
regl govt vending on elgin fin.wpd

c.c. W. Cole, Director of Engineering
R. Hewitt, Director of Licensing, Transportation and Buildings

CONSULTATION RESPONSES

16 responses were received opposing the concept of permitting street vending in the curb lanes.

- OC Transpo does not support the concept because any reduction in the number of traffic lanes would restrict the overall movement of traffic including bus operations along Elgin Street. The occupancy of the curb lanes by vendors would restrict the access of buses to and from bus stops effectively creating bus bays, creating service delay which presently does not exist.
- The National Capital Commission considers Elgin Street between Lisgar and Queen Streets a significant gateway to the core of the Capital; it is the only route on axis with the National War Memorial. It is also the route for the march of the Changing of the Guard from Cartier Square to Parliament Hill. Any proposal for the street, therefore, must be evaluated with regards to its impact on the character of this corridor and contribution to the ceremonial aspect of the street. The Commission does not consider converting the curb lanes to vendor lanes appropriate for the ceremonial role of Elgin Street.
- The National Arts Centre is opposed to this concept because loss of the easterly curb lane adjacent to the building would result in access difficulties for its patrons. Also, a lane reduction would result in massive traffic tie-ups impeding access to its parking garage.
- The Ottawa-Carleton Board of Trade supports, in principle, any action that animates and supports the City's commercial activities. However, the Board is opposed to any detriment to traffic flow that might result to this main artery as a result of permitting street vending in the curb lane. If vendors are stationed on the sidewalk, it should be ensured that selling focuses on pedestrian traffic only. Shoppers in cars should not be permitted to stop along the curb and impede traffic. Furthermore, vendors should not impede the movement of OC Transpo service users and traffic to and from bus shelters.
- The City of Ottawa reviewed its street vending policy several years ago and at that time established a removal zone within the central core. Within the zone designated vending spaces were assigned to street and sidewalk vendors who traditionally had vended in the central area with the understanding that no new permits would be issued, and further that as annual permits were not renewed, the number of vendors within the zone would slowly decrease. This moratorium was necessary because of a proliferation of vendors in the central area which caused congestion, territorial fighting and complaints from fixed businesses and vendors alike. The City recently reviewed the status of the Designated Space Program with stakeholders, and overwhelmingly, respondents agreed that the program is working well and that the status quo (no new spaces/retirement of vacated spaces) should continue. For this reason the City does not support establishing additional vending spaces in the curb lanes of Elgin Street. Additionally, there is concern that additional congestion may result in traffic being diverted to side streets that intersect with Elgin Street, and that the cycling route on Elgin Street will be negatively impacted.
- The Sheraton Ottawa Hotel is strongly opposed to this concept because Elgin Street is one of the most important north/south arteries in downtown Ottawa supporting heavy rush hour and

day-round traffic, serves as a parade route and forms part of the ceremonial route for the Changing of the Guard ceremony. Any narrowing of this street would have devastating effects on the surrounding business communities and on traffic flow in the core. It would further have a significant negative impact on businesses located west of Elgin Street due to a potential impact on the existing turning lanes at Laurier and Albert.

- The Lord Elgin Hotel is opposed to the ceremonial route being used as an open market stall type of operation. One of our greatest tourist attractions is the Changing of the Guard, and the guards should not have to wind their way through market stalls every morning. As well, it will be no compliment to the vista of the outstanding buildings facing Elgin Street, of which the Lord Elgin Hotel is one, to have vendor lanes and stalls intruding into this space. Additionally, the hotel property value will be severely affected if vending is permitted in front of the hotel.
- Nine other responses were received from small store owners/individuals opposing the concept with reasons ranging from traffic concerns to the impact on small businesses who pay rent and taxes year-round.

5 responses were received supporting the concept of permitting street vending in the curb lanes.

- Friday's Roast Beef House & Piano Bar supports the concept of converting the curb lanes into vendor lanes for small business.
- The Cartier Place Hotel supports the concept as it would be a welcome addition to Elgin Street, although it should be done in an orderly and supervised fashion.
- Three other responses were received from small store owners/individuals supporting the concept with reasons ranging from injecting additional life into the downtown core to being a wonderful opportunity for small business.

The following responses do not fall into the above two categories and are shown separately.

- The Regional Cycling Advisory Group will not comment officially unless there are additional design details available; however, a spokesperson felt that if adequate provision was made for cyclists to share a lane with the street vendors, approval of the concept would probably be given.
- The Hongkong Bank of Canada supports the concept as it should result in a more vibrant street scene for the City. It should be implemented in such a way, however, that traffic is not interrupted.

Staff response: Staff share the concerns expressed about traffic implications if the curb lanes between Laurier Avenue and Queen Street are set aside for the use of street vendors. The consequences were described in a previous section of the report.

3. ELGIN STREET - POTENTIAL VENDING LANES

- Director, Mobility Services and Corporate Fleet Services report dated 29 Apr 99

The Director of Mobility Services, Doug Brousseau, advised that as per the Transportation Master Plan, the Region must maximize existing capacity on its roads. In this regard, however, the reconstruction of Elgin Street will not add capacity but will simply reinstate what was there while making improvements to pedestrian and cycling facilities.

Councillor Legendre agreed with the general thrust of the staff report and felt the only time this type of use would be permitted would be on special occasions such as Canada Day or on Sundays, when traffic flow is not what it is during the week. D. Brousseau indicated the Special Events Policy already permits that kind of activity.

David Gladstone, Centretown Citizens Community Association (CCCA) referred to the comments he made in the fall when the committee considered the report on the Elgin Street reconstruction. At that time, the CCCA urged committee to remove one lane in each direction on Elgin; however, their suggestion was not supported. Although staff argued at that time that all the lanes were needed, he maintained that even with the construction occurring on the street and the reduction of lanes, traffic is still flowing well along this busy thoroughfare. He reiterated the fact that all six lanes are only used to capacity during peak hours, but are severely underused on weekends and evenings. As an active participant in the consultation with respect to the reconstruction of Elgin Street, he was disappointed the CCCA was not consulted in this particular matter about vending lanes.

While staff agreed there was a wide circulation of this report to area business, community associations and others, such distribution did not include the CCCA.

Councillor Cantin referred to the use of the cobblestone area for vending lanes and related his experience in another country where such lanes are permanent fixtures. While these were not situated along busy roads or main streets, he was interested in seeing how it would function here, although he did not see it as being practical because when the shop owners would have to load and unload they would block traffic. The Environment and Transportation Commissioner, Mike Sheflin, advised that if the cobblestones were used they would have to be made load-bearing for vehicles and would require a full road base underneath. While he supported the staff recommendation, the councillor opined that when roads are rebuilt, the Region should examine the possibility of these vending lanes, especially since tourism is such a big industry in the downtown.

Extract of Minute
Transportation Committee
2 June 1999

Councillor Doucet stated that Elgin Street, between Confederation Park and Wellington street is perhaps the most visual “nexus” for the Region and believed the number of lanes on Elgin is somewhat of an anomaly because they do not fit with the streets it feeds into i.e. Wellington and Rideau streets. He agreed that for most of the time, the lanes are empty and while traffic must be accommodated during the peak periods, he suggested the Region should also maximize the use of the space for the remaining time. He hoped this use could at least be explored as a pilot project, in order to determine their effect.

That the Transportation Committee recommend Council approve that traffic lanes not be set aside for the use of street vending on Elgin Street between Laurier Avenue and Queen Street.

CARRIED
(C. Doucet dissented)