



**CITY OF KINGSTON  
REPORT TO COUNCIL**

Report No.: 10-198

**TO:** Mayor and Council

**FROM:** Jim Keech, President and CEO, Utilities Kingston

**RESOURCE STAFF:** Mark Van Buren, Director, Engineering Department

**DATE OF MEETING:** June 15, 2010

**SUBJECT:** APPLICATION FOR LICENSE ASSIGNMENT OF A SERVING  
SIDEWALK PATIO ON THE ONTARIO STREET FRONTAGE  
OPERATING AS THE RAGING BULL CHOPHOUSE INC  
LOCATED AT 189 ONTARIO STREET

**EXECUTIVE SUMMARY:**

An application has been made to the Engineering Department by the owner of “The Raging Bull Chophouse Inc” operating at 189 Ontario Street for the assignment of an existing serving sidewalk patio lease from his former business “Stoney’s Waterfront Café” and operating a serving patio at this location in 1996 to 2009. The owner is making application to re-establish the patio license and there will be no alteration to the public right-of-way. The patio will be utilized as an extension of their business as defined in the regulations established in By-Law No. 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.”

**RECOMMENDATION:**

That Council authorize the Mayor and Clerk to enter into a License Agreement, for the purpose of operating a serving sidewalk patio at 189 Ontario Street, with the owner of The Raging Bull Chophouse Inc. The license agreement is for the lease of City property adjacent to their store frontage on Ontario Street and is to be in a form satisfactory to the Director of Legal Services.

**AUTHORIZING SIGNATURES:**

<p>ORIGINAL SIGNED BY PRESIDENT &amp; CEO, UTILITIES KINGSTON</p> <p>_____ Jim Keech, President and CEO, Utilities Kingston</p>
<p>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</p> <p>_____ Gerard Hunt, Chief Administrative Officer</p>

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Cynthia Beach, <i>Sustainability &amp; Growth</i>	N/R
Terry Willing, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	✓

*(N/R indicates consultation not required)*

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**OPTIONS/DISCUSSION:**

The owner of "The Raging Bull Chophouse" located at 189 Ontario Street has made formal application to the Engineering Department to re-establish a patio for his new business located at 189 Ontario Street. The application is for the transfer of an existing patio license assigned to his former business for the purpose of serving food and alcoholic beverages to their customers at this location. The requirements for the operation of a serving patio are outlined in By-Law No. 87-136.

The patio area will be 36.0 square meters with 7 tables and 29 chairs. The proposal for consideration is to re-establish the previously approved patio on the Ontario frontage of his establishment with no request to alter the design of the patio.

**EXISTING POLICY/BY LAW:**

By-Law No. 87-136, "A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Application for the Extended Use of Sidewalks."

**NOTICE PROVISIONS:**

As only the name of the business has changed resulting in a new license no advertising was done on this application. There were no complaints on file for this patio.

**ACCESSIBILITY CONSIDERATIONS:**

The applicant is to be advised to continue to provide accessible entry to the patio area. The applicant is also to ensure that the space between the tables is sufficient to allow barrier free movement within the patio.

**FINANCIAL CONSIDERATIONS:**

The applicant has met the requirements for application as outlined in By-Law No. 87-136. The applicant agrees to enter into a license agreement with an annual license fee to be paid to the City. The patio will be located in Zone A, as described in Schedule "A" of By-Law No. 87-136. The license fee is adjusted annually in accordance with the C.P.I. The 2010 season license fee will be three thousand nine hundred and forty seven dollars and ninety cents (\$3,947.90) plus applicable taxes.

**CONTACTS:**

Mark Van Buren, P.Eng, Director Engineering Department, ext. 3218

Kimberley Brown, P.Eng, Infrastructure Engineer, Engineering Department, ext. 3132

William Cartwright, Engineering Technologist Cut Permits & Inspections, Engineering Department, ext. 3113

**OTHER CITY OF KINGSTON STAFF CONSULTED: N/A****EXHIBITS ATTACHED:**

Exhibit "A" – Site location plan

