



**City of Kingston
Report to Council
Report Number 16-123**

To: Mayor and Members of Council
From: Jim Keech, President and CEO, Utilities Kingston
Resource Staff: Mark Van Buren, Director of Engineering
Date of Meeting: April 5, 2016
Subject: Applications For License Of Sidewalk Patios at 275, 226, 240
and 166 Princess Street

Executive Summary:

Applications have been made to the Engineering Department by “Stone City Ales Inc.” operating at 275 Princess Street, “Tag Restaurants Inc. dba Megalo’s Restaurants” located at 226 Princess Street, “Copper Penny Restaurant” located at 240 Princess Street and “CentrePoint Group Inc. Crave Coffeehouse and Bakery” located at 166 Princess Street for the purpose of operating sidewalk patios. The patios will be utilized as an extension of their businesses for their customers 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 License Agreements with the owners of “Stone City Ales Inc.” located at 275 Princess Street for the lease of City property adjacent to their businesses on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

That Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Tag Restaurants Inc. dba Megalo’s Restaurants” located at 226 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

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That Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Copper Penny Restaurant” located at 240 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

That Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “CentrePoint Group Inc. Crave Coffeehouse and Bakery” located at 166 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a non-serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON

Jim Keech, President & CEO, Utilities Kingston

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Commissioners:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Lanie Hurdle, Community Services	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Through the planning phases for the Princess Street reconstruction all restaurant owners within the construction limits were advised at public meetings as well as through the BIA newsletter to make application to the Engineering Department if they were considering operating a sidewalk patio. Once final designs were completed and construction commenced no further patio applications would be accepted for this area of Princess Street. Applications were to be made prior to finalizing the construction drawings so that consideration for the patios could be incorporated. The City received four applications, three applications for serving patios and one application for a non-serving patio. When reviewing each request the application was checked for conflicts with utility requirements, pedestrian requirements and accessibility requirements as well as analysis of the by-law requirements for on street parking allocation. All four applications were able to be recommended for a patio license.

All owners have made formal application to the Engineering Department to construct a sidewalk patio as an extension of their business into the public right of way. The requirements for serving and non-serving patios are outlined in 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".

As part of the formal application the owners provided the required site plan drawings copies attached in the schedules of this report. All applications were circulated to the following City departments: Building Division, Kingston Hydro, Kingston Fire and Rescue, Licensing and Enforcement, Planning Division, Parks Development, Public Works Department, and the Taxation and Revenue Department. The applications were also circulated to Utilities Kingston, the District Councilor, and the Health Unit. In addition, the required advertisements were placed in the February 23, 2016 edition of the Kingston Whig Standard. Individual notices were also sent to all property owners within a sixty meter radius of the patio applications. The public notice stated that the drawings were available in the Engineering Department for review.

Stone City Ales Inc. is located at 275 Princess Street:

The patio area is 30.3 square meters with 13 tables and 26 chairs and as part of their license will be required to pay for the loss of three parking stalls.

No comments were received from the technical circulation.

No comments were received from the advertisement or mailing.

Tag Restaurants Inc. dba Megalo's Restaurant is located at 226 Princess Street:

The patio area is 31.7 square meters with 14 tables and 29 chairs and as part of their license will be required to pay for the loss of three parking stalls.

No comments were received from the technical circulation.

No comments were received from the advertisement or mailing.

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Copper Penney is located at 240 Princess Street:

The patio area is 20.5 square meters with 9 tables and 18 chairs and as part of their license will be required to pay for the loss of two parking stalls.

No comments were received from the technical circulation.

No comments were received from the advertisement or mailing.

Crave Coffeehouse & Bakery is located at 166 Princess Street:

The patio area is 23.2 square meters with 10 tables and 20 chairs and as part of their license will be required to pay for the loss of three parking stalls.

No comments were received from the technical circulation.

No comments were received from the advertisement or mailing.

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 per By-Law No. 87-136 advertising was placed in the February 23, 2016 Whig Standard.

Accessibility Considerations:

The application was circulated to the Accessibility Project Manager with regard to site design and the Engineering Department was advised the applicant should: ensure that a minimum 1.1 meter aisle is maintained up to and around the tables and chairs; A "cane detectable" horizontal railing be provided at the bottom of the patio fence. The applicant must confirm that the slope of the patio entrance would not be a barrier for someone using a wheelchair, scooter or other mobility device; and, a minimum 1.5 metre width on the sidewalk is required to be maintained around the patio to ensure a clear route of travel, in accordance with the Design of Public Spaces Standards.

Financial Considerations:**Stone City Ales Inc.:**

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 C, 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 2016 season license fee will be six thousand three hundred and seventy five dollars and sixty cents.

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Megalo's Restaurant:

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 C, 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 2016 season license fee will be six thousand three hundred seventy five dollars and sixty cents.

Copper Penney:

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 C, 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 2016 season license fee will be four thousand two hundred and fifty dollars and forty cents.

Crave Coffeehouse & Bakery:

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 B, 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 2016 season license fee will be six thousand three hundred and seventy five dollars and sixty cents.

Contacts:

Mark Van Buren, P.Eng, Director, Engineering Department 613-546-4291 ext. 3218

Kimberley Brown, P.Eng , Manager, Infrastructure & Development 613-546-4291 ext. 3132

William Cartwright, Engineering Technologist 613-546-4291 ext. 3113

Other City of Kingston Staff Consulted:

The application has been circulated to the required internal departments and external agencies for review and comment. The responses to the technical circulation were addressed in the content of the report.

Exhibits Attached:

Exhibit "A" – Patio Plan – Stone City Ales

Exhibit "B" – Patio Plan – Megalo's Restaurant

Exhibit "C" – Patio Plan – Copper Penny Restaurant

Exhibit "D" – Patio Plan – Crave Coffeehouse & Bakery

Exhibit "E" – Site Location Plan

Exhibit "A" Patio Plan Stone City Ales

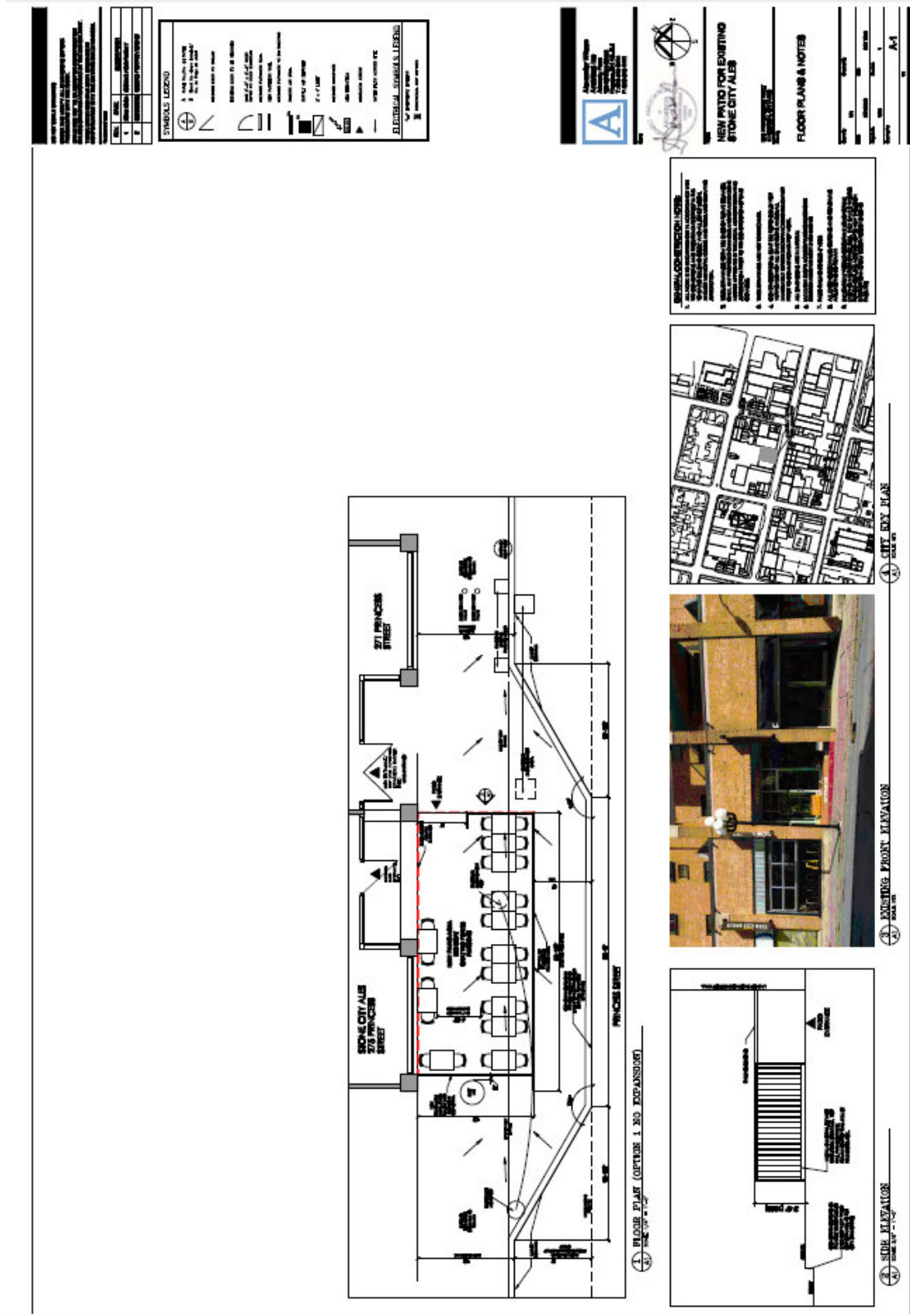


Exhibit "B" Patio Plan Megalo's Restaurant

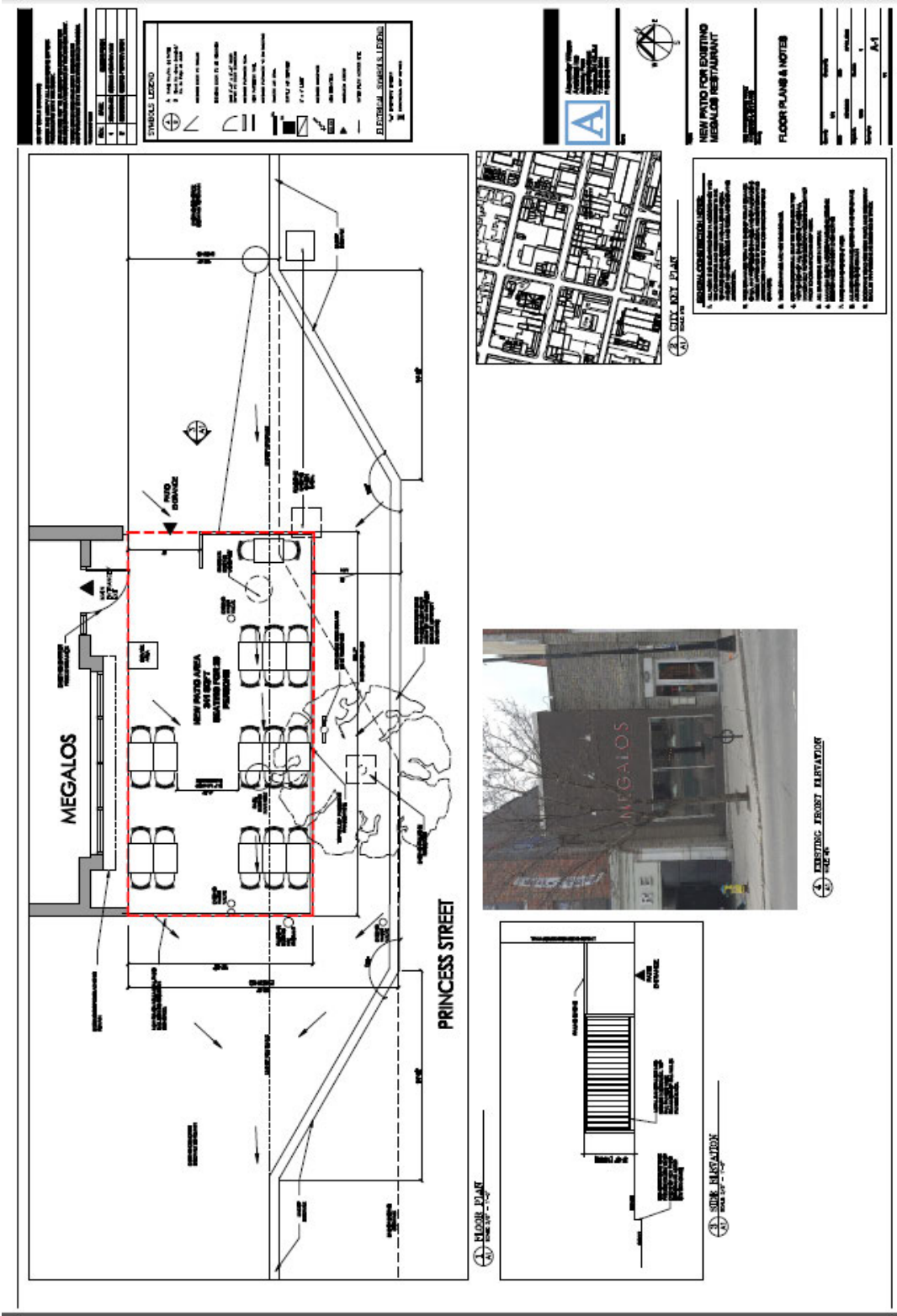


Exhibit "C" Patio Plan Copper Penny Restaurant

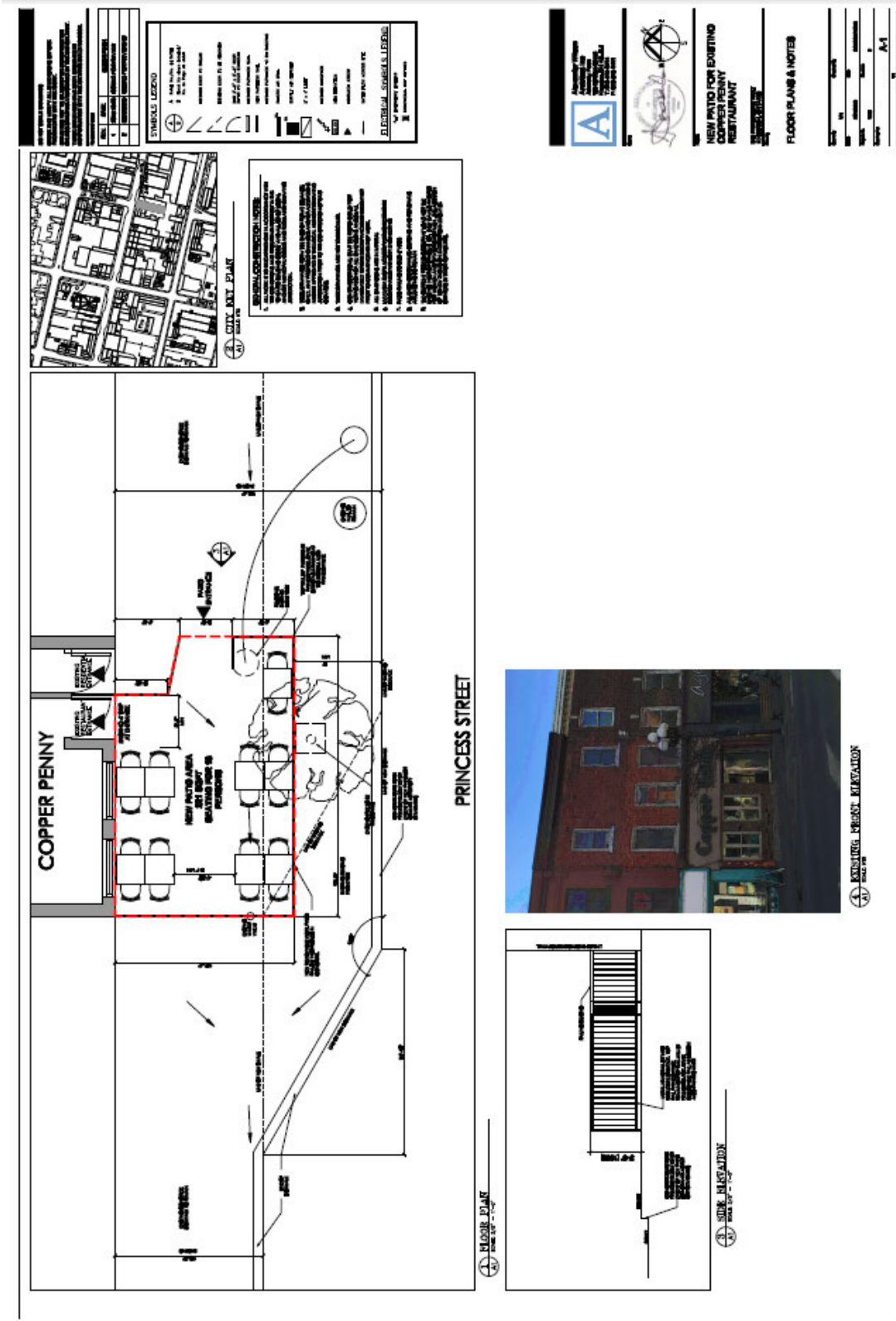


Exhibit "D" Patio Plan Crave Coffeehouse and Bakery

