



**City of Kingston
Report to Council
Report Number 16-198**

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: June 21, 2016
Subject: Application For License Of Sidewalk Patio at 91 Princess Street

Executive Summary:

Application has been made to the Engineering Department by “Score Pizza Ltd.”, operating at 91 Princess Street, for the purpose of operating a sidewalk patio. The patio will be utilized as an extension of their business 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 a License Agreement with the owner of “Score Pizza Ltd.”, located at 91 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.

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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:

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:

The owner of Score Pizza Ltd., located at 91 Princess Street, has made formal application to the Engineering Department to construct a sidewalk patio as an extension of their business into the Princess Street right of way. The requirements for 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 owner provided the required site plan, copy attached in the schedule of this report. The application was 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 application was also circulated to Utilities Kingston, the District Councillor, and the Health Unit. In addition, the required advertisements were placed in the May 10, 2016 edition of the Kingston Whig Standard and individual notices were also sent to all property owners within a sixty meter radius of the patio application. Engineering received one communication from two downtown business owners raising concerns with the design of the patio. Mayor and Council also received the communication, Number 16-462 from the June 6, 2016 Council Agenda. As per the process, staff assessed the concerns and provided comment back to the applicant seeking revisions to the patio design. The applicant has revised the design and met with the neighbours to discuss the modifications made. All concerns have been addressed. As a result staff is recommending approval of the application.

Score Pizza Ltd. is located at 91 Princess Street:

The patio area is 26.0 square meters with 9 tables and 18 chairs and has no impact on the current on-street parking configuration as the patio can be completely contained within an existing widened sidewalk and curb extension. Alterations to fixtures in the area include relocation of bicycle parking frames and an existing freestanding planter.

No comments were received from the technical circulation. No comments were received from the notice in the Whig Standard. One comment was received from the mailing as noted earlier in the report.

In addition to the design concerns, the authors of the letter raised valid points about the method of sharing the design information with the public. Historically, paper drawings were provided to the City for review so interested parties were advised to come to City Hall to review and ask questions. In recent years designs have been produced and provided as a PDF, however the notification letters and ads were not adjusted to reflect the ability to share this information electronically. Staff have adjusted the two templates, mail out and newspaper ad and in future any person making an inquiry to review drawings can request an email of the PDF or as in the past continue to request in-person discussions. Staff will also explore options to post patio applications on the City's website.

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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 May 10, 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:

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 one thousand eight hundred ten dollars and ninety cents.

Contacts:

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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

Exhibit "B" – Site Location Plan

Exhibit "A" Patio Plan Score Pizza Ltd

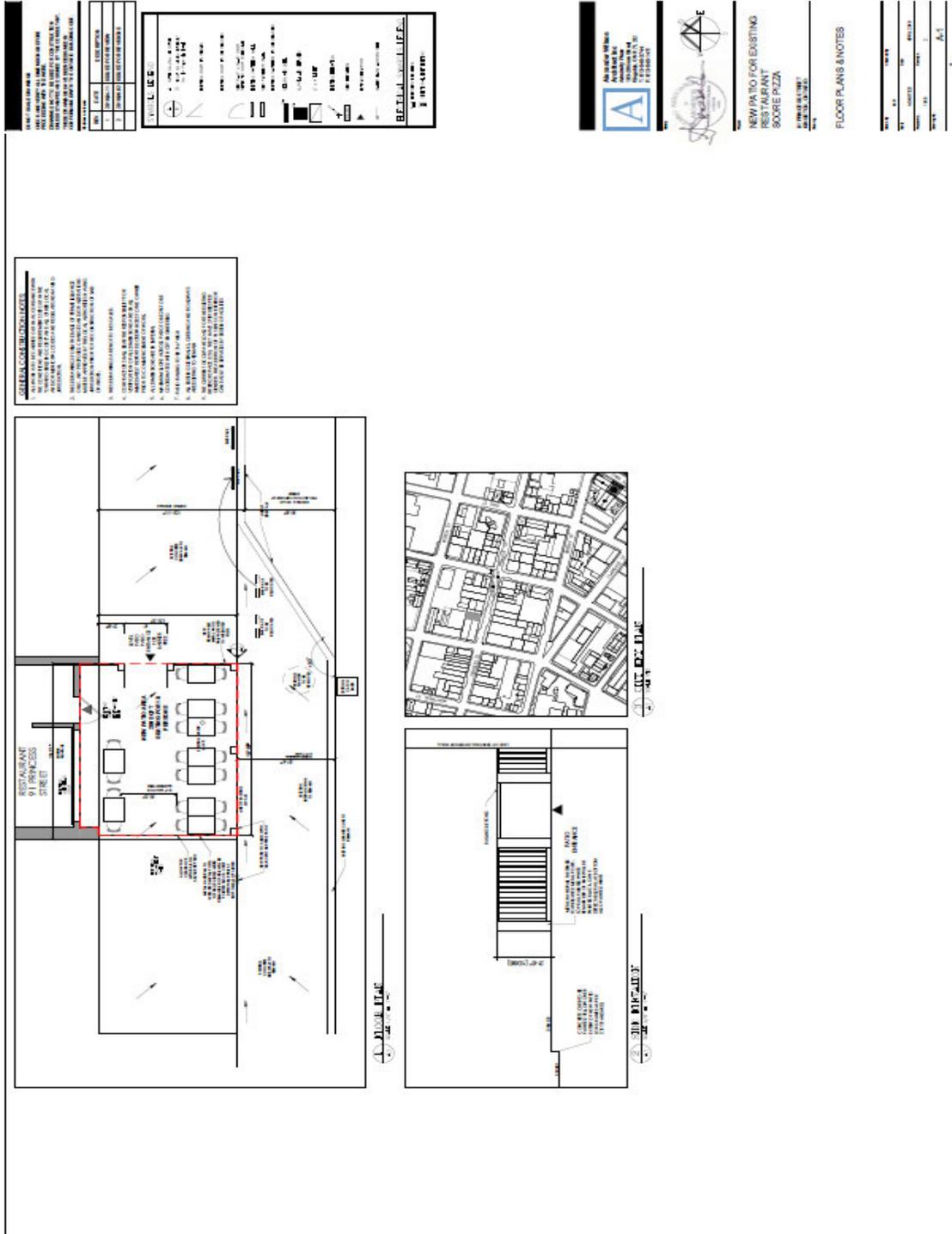


Exhibit "B" Site Location Plan

