



**City of Kingston
Report to Council
Report Number 19-123**

To: Mayor and Members of Council
From: Sheila Kidd, Commissioner, Transportation & Public Works
Resource Staff: Mark Campbell, Director of Engineering Services
Date of Meeting: May 8, 2019
Subject: Patio Application – PJ Murphy’s

Executive Summary:

An application has been made to the Engineering Services Department by “Arroba Canada Inc. PJ Murphy’s”, operating at 167 Ontario Street, for the purpose of re-assignment of an existing serving patio lease from the former business “Frankie Pestos” which is no longer operating at this location. The patio is located on the Ontario Street frontage and does not require any alteration to the existing pedestrian sidewalk as the applicant will continue to use the previous patio dimensions. The patio will be utilized as an extension of their business for their customers as defined in the regulations established in 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”.

Recommendation:

That Council authorize the Mayor and Clerk to enter into a License Agreement, in a form satisfactory to the Director of Legal Services, with the owner of “PJ Murphy’s”, located at 167 Ontario Street, for the lease of City property adjacent to their business on the Ontario Street frontage for the purpose of operating a serving sidewalk patio.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Sheila Kidd, Commissioner,
Transportation & Public Works**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Acting Chief Administrative
Officer**

Consultation with the following Members of the Corporate Management Team:

Gary Dyke, Commissioner, Corporate Enterprise Services	Not required
Peter Huigenbos, Acting Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

The owner of "PJ Murphy's" located at 167 Ontario Street has made formal application to the Engineering Services Department for re-assignment of a serving sidewalk patio as an extension of their business into the public right of way to provide seating accommodations for customers. The patio area is 49.9 square meters with twenty-two tables and forty-three chairs. The proposal for consideration is to establish the approved patio on the Ontario Street frontage of their establishment with no request to alter the City right of way as there is already sufficient width along Ontario Street available for the patio. The requirements for the operations of a serving patio are outlined in 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".

As part of the formal application the owner provided the required site plan drawings which are attached to this report as Exhibits A and B. 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, and Taxation and Revenue. The application was also circulated to Utilities Kingston, the District Councillor, and the Health Unit. In addition, the required advertisement was placed in the April 2, 2019 edition of the Kingston Whig Standard. Individual notices were also sent to all property owners within a sixty meter radius of the patio application. The public notice stated that the drawings were available in the Engineering Services Department for review. No comments were received from the technical circulation. One comment was received from the advertisement which supported the application.

Existing Policy/By-Law:

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:

As per By-Law Number 87-136, an advertisement was placed in the April 2, 2019 edition of the Kingston Whig Standard.

Accessibility Considerations:

The application was circulated to the Accessibility Project Manager with regard to site design and the Engineering Services Department was provided the standard requirements to provide to the owner to ensure that a minimum 1.1 meter aisle is maintained up to and around the tables and chairs. The applicant must also 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.

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Financial Considerations:

The applicant has met the requirements for application as outlined in By-Law Number 87-136. The applicant agrees to enter into a License Agreement with an annual license fee to be paid to the City. The license fee for the 2019 season will be two thousand, seven hundred and eighty nine dollars and fifty one cents.

Contacts:

Mark Campbell, Director, Engineering Services 613-546-4291 extension 3139

Ryan Costa, Construction Supervisor, Engineering Services 613-546-4291 extension 3159

William Cartwright, Engineering Technologist, Engineering Services 613-546-4291 extension 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:

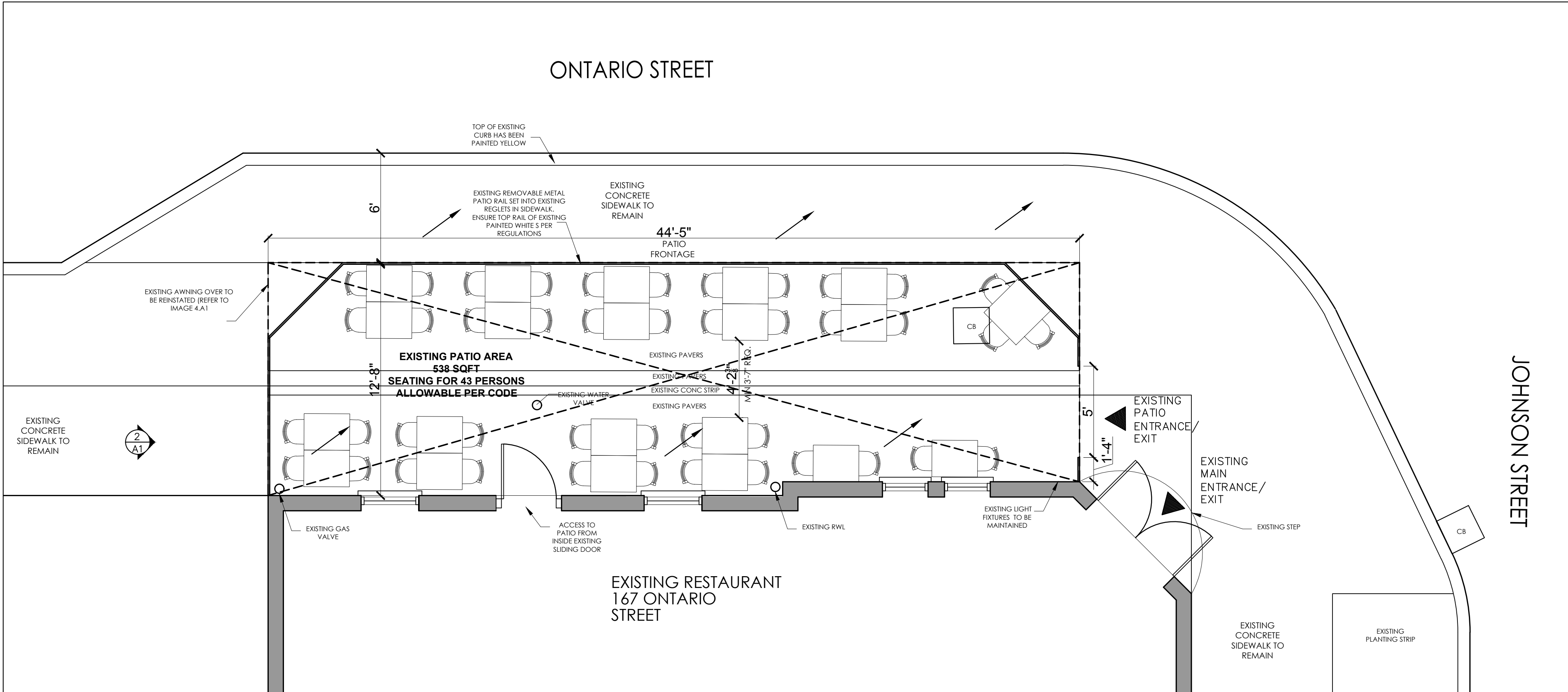
Exhibit A Patio Plan

Exhibit B Site Location Plan

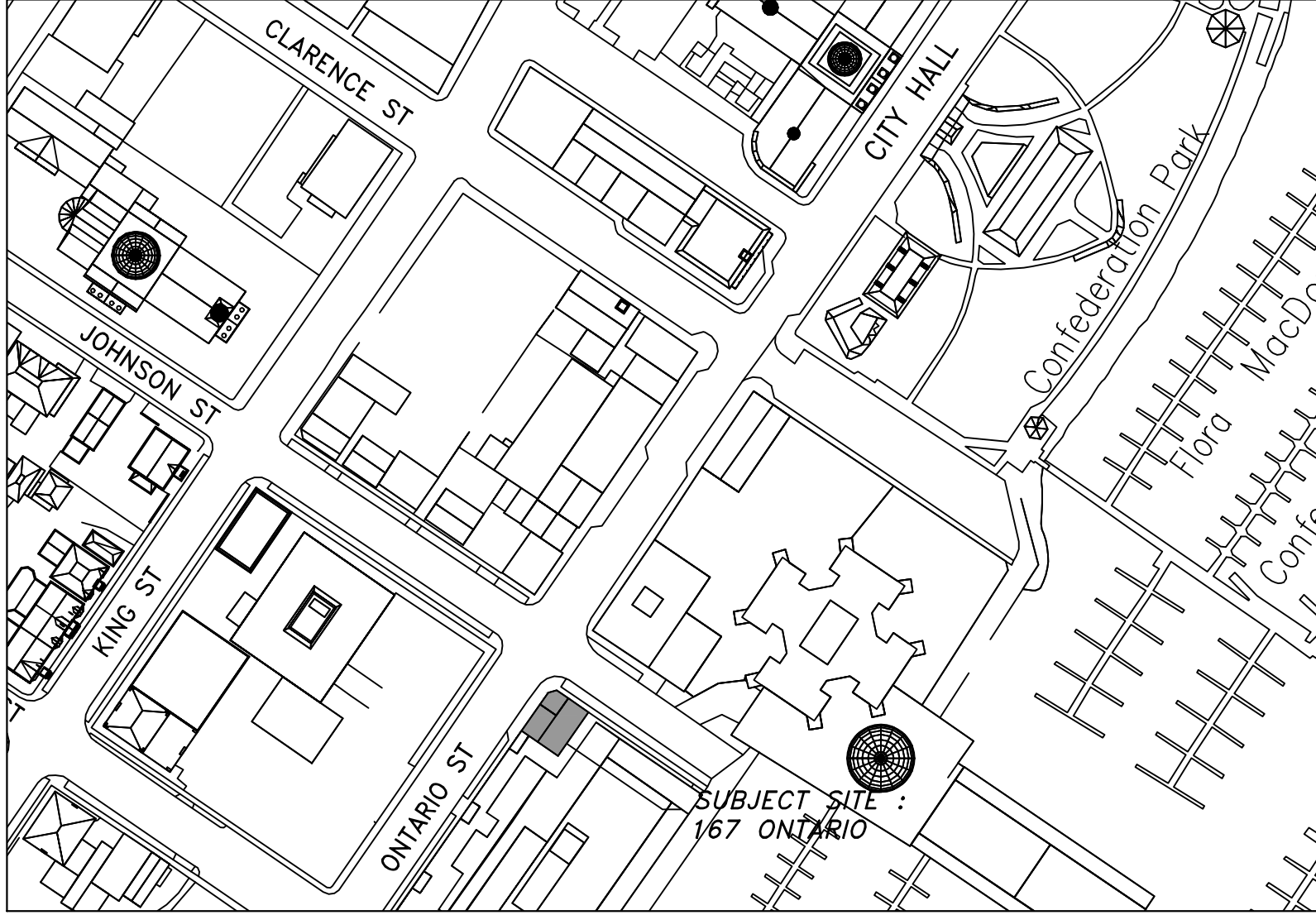
DO NOT SCALE DRAWINGS
 CHECK AND VERIFY ALL DIMENSIONS BEFORE
 PROCEEDING WITH THE WORK.
 DRAWINGS NOT TO BE USED FOR CONSTRUCTION
 UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
 THESE DRAWINGS HAVE BEEN DESIGNED IN
 CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2019.03.20	ISSUED FOR REVIEW
2	2019.03.22	ISSUED FOR PERMIT

SYMBOLS LEGEND	
	A Detail No./No. du Detail
	B Sheet No where detailed/ No. de Page du detail
	EXISTING DOOR TO REMAIN
	EXISTING DOOR TO BE REMOVED
	NEW 3'-0" x 6'-8" DOOR REFER TO DOOR SCHEDULE
	EXISTING PARTITION WALL
	NEW PARTITION WALL
	EXISTING PARTITION TO BE REMOVED
	RETURN AIR GRILL
	SUPPLY AIR DIFFUSER
	2' x 4' LIGHT
	EXISTING ELEVATION
	NEW ELEVATION
	ENTRANCE ARROW
	WATER FLOW ACROSS SITE

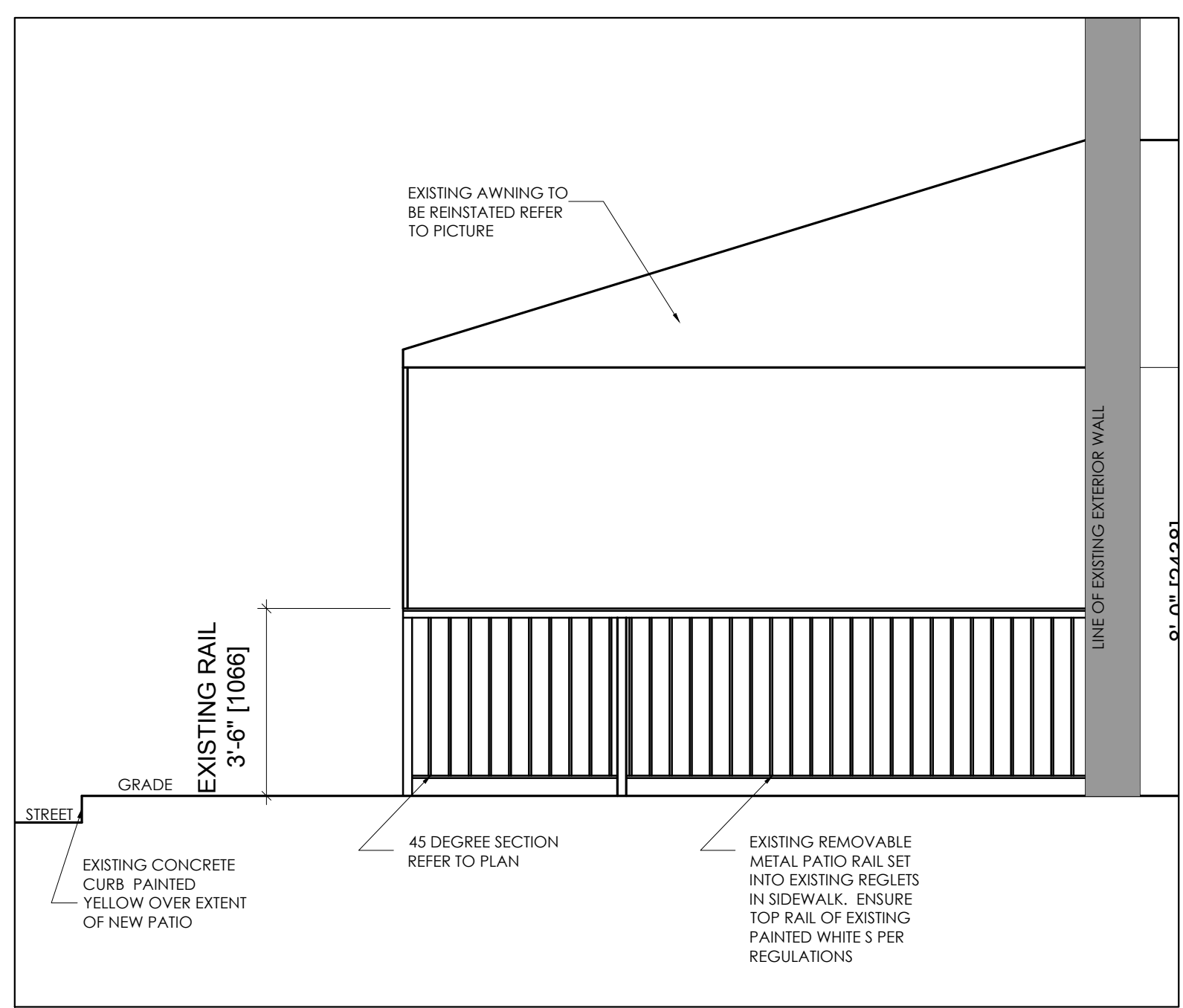


1 FLOOR PLAN
 A1 SCALE: 1/4" = 1'-0"



4 CITY KEY PLAN
 A1 SCALE: NTS

- GENERAL CONSTRUCTION NOTES:**
1. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE CONDITIONS AND REQUIREMENTS SET OUT IN THE "ONTARIO BUILDING CODE" AND ALL OTHER LOCAL AND/OR MUNICIPAL CODES AND REGULATIONS HAVING JURISDICTION.
 2. THESE DRAWINGS FORM THE BASIS OF PERMIT ISSUANCE ONLY. ANY PROPOSED CHANGES AND/OR ALTERATIONS MUST BE APPROVED BY THE LOCAL AUTHORITIES HAVING JURISDICTION PRIOR TO THE CONSTRUCTION OF SAID CHANGES.
 3. THESE DRAWINGS ARE NOT TO BE SCALED.
 4. CONTRACTOR SHALL BEAR THE RESPONSIBILITY FOR VERIFICATION OF ALL DIMENSIONS AND SHALL IMMEDIATELY REPORT DISCREPANCIES TO THE OWNER PRIOR TO COMMENCEMENT OF WORK.
 5. ALL DIMENSIONS ARE IN IMPERIAL.
 6. RESERVED
 7. EXISTING PATIO RAILING TO BE 3'-6" HIGH
 8. ALL EXISTING SIDEWALKS, CURBING AND ROADWAYS ARE EXISTING TO REMAIN
 9. THIS IS A VERIFICATION OF AN EXISTING PATIO. ALL OCCUPANT LOADS ARE ASSUMED TO BE EXISTING TO REMAIN



2 SIDE ELEVATION
 A1 SCALE: 3/8" = 1'-0"

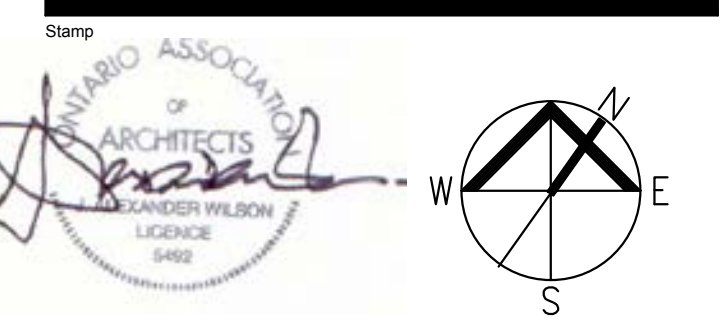


3 EXISTING ELEVATION
 A1 SCALE: NTS



4 EXISTING ELEVATION (WITH AWNING)
 A1 SCALE: NTS

Alexander Wilson Architect Inc
 Admiralty Place
 103-20 Gore Street
 Kingston, ON K7L 2L1
 T: 613-545-3744
 F: 613-545-1411

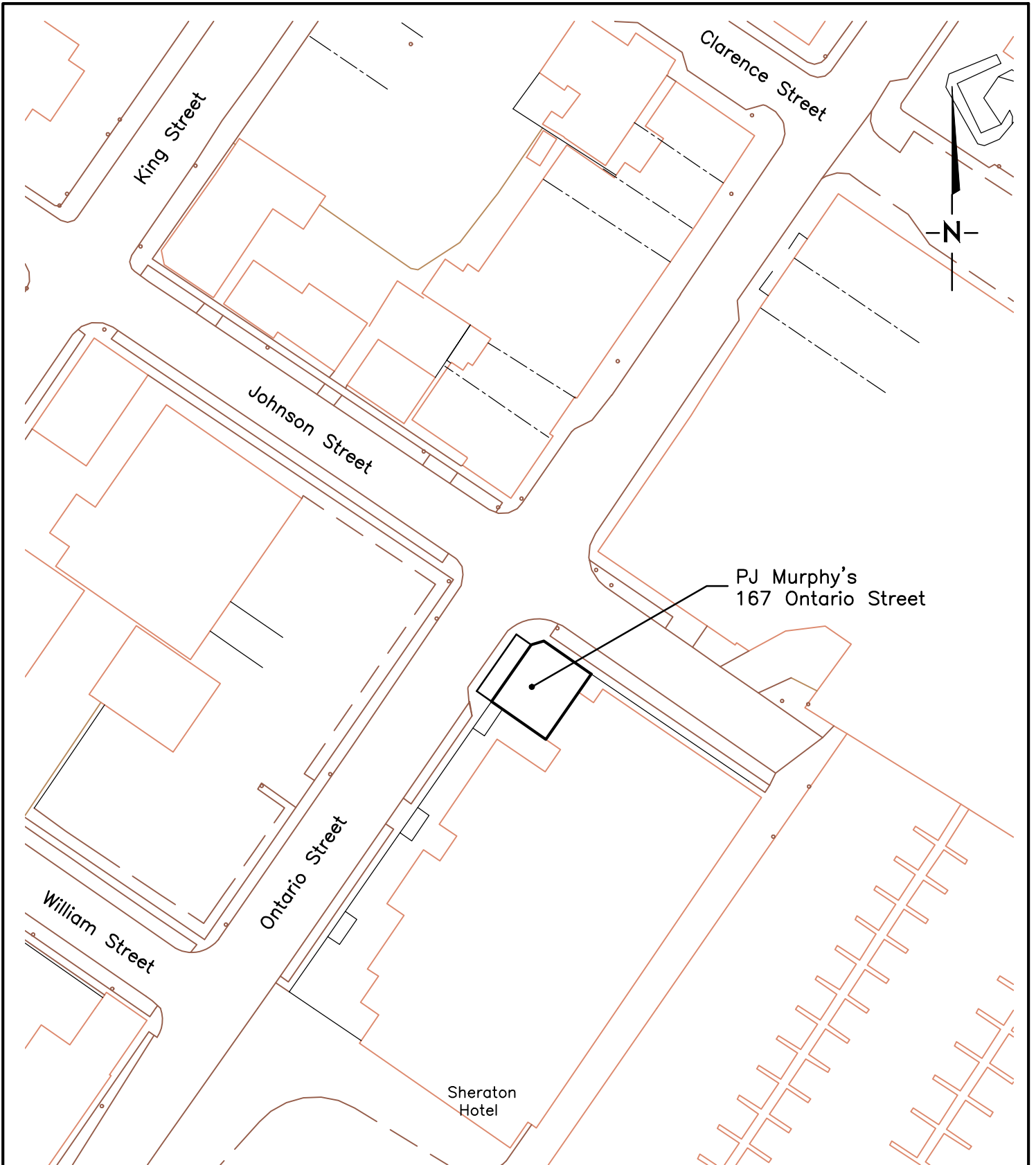


Project
EXIST. PATIO VERIFICATION FOR PJ MURPHY'S (FORMER FRANKIE PESTOS)

167 ONTARIO STREET
 KINGSTON, ONTARIO

FLOOR PLANS & NOTES

Drawn By	MH	Checked By	
Scale	AS NOTED	Date	MAR 2019
Project No.	1918	Revision	2
Drawing No.			A-1



CITY OF KINGSTON
Engineering Department

Site Location Plan
PJ Murphy's