



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-211

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 19, 2012

**SUBJECT: APPLICATION FOR LICENSE OF A NON-SERVING SIDEWALK
PATIO ON THE SYDENHAM STREET FRONTAGE FOR
“MENCHIES” 2306124 ONTARIO INC LOCATED AT 241
PRINCESS STREET**

EXECUTIVE SUMMARY:

An application has been made to the Engineering Department by “Menchies” operating at 241 Princess Street for the purpose of assignment of existing non-serving patio lease from the former business “The Tea Store” no longer operating at this location. The patio is located on the Sydenham 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 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 “Menchies” located at 241 Princess Street, for the lease of City property adjacent to their store on the Sydenham Street frontage for the purpose of operating a non-serving sidewalk patio. The license agreement shall 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
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ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	N/R
Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

The owner of “Menchie’s” located at 241 Princess Street made formal application to the Engineering Department for the assignment of an existing non-serving patio license previously operated by “The Tea Store” on the Sydenham frontage of the property. The non-serving patio will be an extension of their business into the public right of way for the purpose of providing seating accommodations for customers. The requirements for the operation of a non-serving patio 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.”

The applicant supplied the Engineering Department with a formal application and supporting documents which can be viewed at the Engineering Department office located at 1211 John Counter Blvd. The patio area will be 9.2 square meters with 5 tables and 10 chairs. The proposal for consideration is to re-establish the same patio on the Sydenham Street frontage of the establishment that existed for “The Tea Store”. As with “The Tea Store” patio there is no alteration to the City right of way necessary as the patio is located back of the existing sidewalk.

The drawings and application were circulated to Departments within the City as well as the required City Agencies and comments were received as follows:

Kingston Hydro	No objection to the application.
Accessibility Compliance Department	See comments in the Accessibility Considerations Section.
Taxation and Revenue Division	No objection to the application.
Public Works Department	No objection to the application.
Utilities Kingston Technical Services	No objection to the application.
Recreation & Leisure Services Department	No objection to the application.
Transportation – Services	No objection to the application.
Licensing Enforcement Division	No objection to the application.
Parking Service	No objection to the application.
Kingston Fire & Rescue	No objection to the application.
Health Unit Department	No objection to the application.
Building Department	No objection to the application.

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In addition to the technical circulation, the required advertisement was placed in the May 8, 2012 edition of the Whig Standard. Individual notices were also sent to all property owners within a 60 meter radius of the site advising of the application for the assignment of a non-serving patio. Comments were requested by email or in writing to be addressed to William Cartwright of Engineering within 15 days. No comments were received.

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 8, 2012 Whig Standard.

ACCESSIBILITY CONSIDERATIONS:

The application was circulated to the Accessibility Compliance Project Manager with regard to site design. The applicant will be requested to maintain a minimum 1.1 meter aisle up to and around the tables and chairs. As well the applicant must ensure that the tables and chairs do not get accidentally relocated by patrons onto the City sidewalk so as to ensure a clear route of travel by past the patio.

FINANCIAL CONSIDERATIONS:

The applicant has met the requirements for application as outline 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 2012 season license fee for non-serving patio will be one hundred and forty dollars and fifty two cents (\$140.52).

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 Cut Permit & Inspections, Engineering Department, 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 – Site Location Plan

