



**City of Kingston
Report to Council
Report Number 19-163**

To:	Mayor and Members of Council
From:	Sheila Kidd, Commissioner, Transportation & Public Works
Resource Staff:	Mark Campbell, Director, Engineering
Date of Meeting:	June 18, 2019
Subject:	Patio Application – Namaste Kingston

Executive Summary:

An application has been made to the Engineering Services Department by “11396153 Canada Ltd. Namaste Kingston” operating at 178 Ontario Street for the purpose of reassignment of an existing serving patio lease from the former business “Aji Sai Restaurant”, 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 Namaste Kingston, located at 178 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.

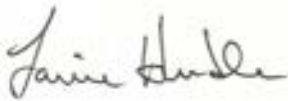
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Authorizing Signatures:



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



**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 "Namaste Kingston", located at 178 Ontario Street, has made formal application to the Engineering Services Department for reassignment of a serving sidewalk patio as an extension of their business into the public right-of-way to provide seating accommodations for customers. 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 Application for the Extended use of Sidewalks."

As part of the formal application, the owner provided the required site plan drawing (Exhibit 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 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 advertisement was placed in the May 21, 2019 edition of the Kingston Whig Standard. Individual notices were also sent to all property owners within a 60-metre 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.

The patio area is 36.6 square metres with 13 tables and 26 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. No comments were received from the technical circulation.

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 Application for the Extended Use of Sidewalks"

Notice Provisions:

As per By-Law Number 87-136, advertising was placed in the May 21, 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 metre aisle is maintained up to and around the tables and chairs. 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.

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Financial Considerations:

The applicant has met the requirements for application as outline 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 2019 season license fee for the serving patio will be \$6,966.00.

Contacts:

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

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

William Cartwright, Engineering Technologist 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

