



**City of Kingston
Report to Council
Report Number 19-210**

To: Mayor and Members of Council
From: Sheila Kidd, Commissioner, Transportation & Public Works
Resource Staff: Anthony Simmons, Construction Manager
Date of Meeting: August 13, 2019
Subject: Patio Application – The Grocery Basket

Executive Summary:

An application has been made to the Engineering Services Department by “The Grocery Basket”, operating at 172 Ontario Street, for the purpose of operating a sidewalk patio located on the Johnson Street frontage. The patio will be used 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 “The Grocery Basket” located at 172 Ontario Street, for the lease of City property adjacent to their business on the Johnson Street frontage for the purpose of operating a non-serving sidewalk patio.

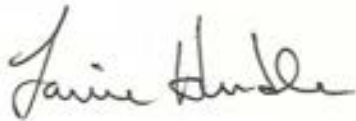
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Authorizing Signatures:



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



**Lanie Hurdle, Interim Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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
Deanne Roberge, Acting Commissioner, Corporate Services	Not required

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Options/Discussion:

The owner of “The Grocery Basket”, located at 172 Ontario Street, has made formal application to the Engineering Services Department to construct a sidewalk patio on the Johnson Street frontage as an extension of their business into the public right-of-way, to provide seating accommodations for customers. The requirements for the operation of a non-serving patio are outlined in the 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 drawing (Exhibit B). The application was circulated to the following City departments: Building Division, Kingston Hydro, Kingston Fire & Rescue, Licensing & Enforcement, Planning Division, Parks Development, Public Works Department, and the Taxation & 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 June 25, 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. One comment received from the Planning Department, indicated that should the applicant wish to attach anything to the heritage building, approval will be required as per the *Ontario Heritage Act*.

The applicant supplied the Engineering Services Department with a formal application and the required site plan drawing. The patio area is 39.7 square meters with 12 tables and 24 chairs. The proposal for consideration is to establish the new construction on the Johnson Street frontage of their business. The applicant has met the requirements for application as outlined in By-law Number 87-136.

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 June 25, 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 agrees to enter into a license agreement with an annual license fee to be paid to the City. The 2019 season license fee will be \$3,356.64.

Contacts:

Anthony Simmons, Construction Manager, Engineering Services Department, 613-546-4291
Extension 3139

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

William Cartwright, Engineering Technologist, Engineering Services Department, 613-546-4291
Extension 3113

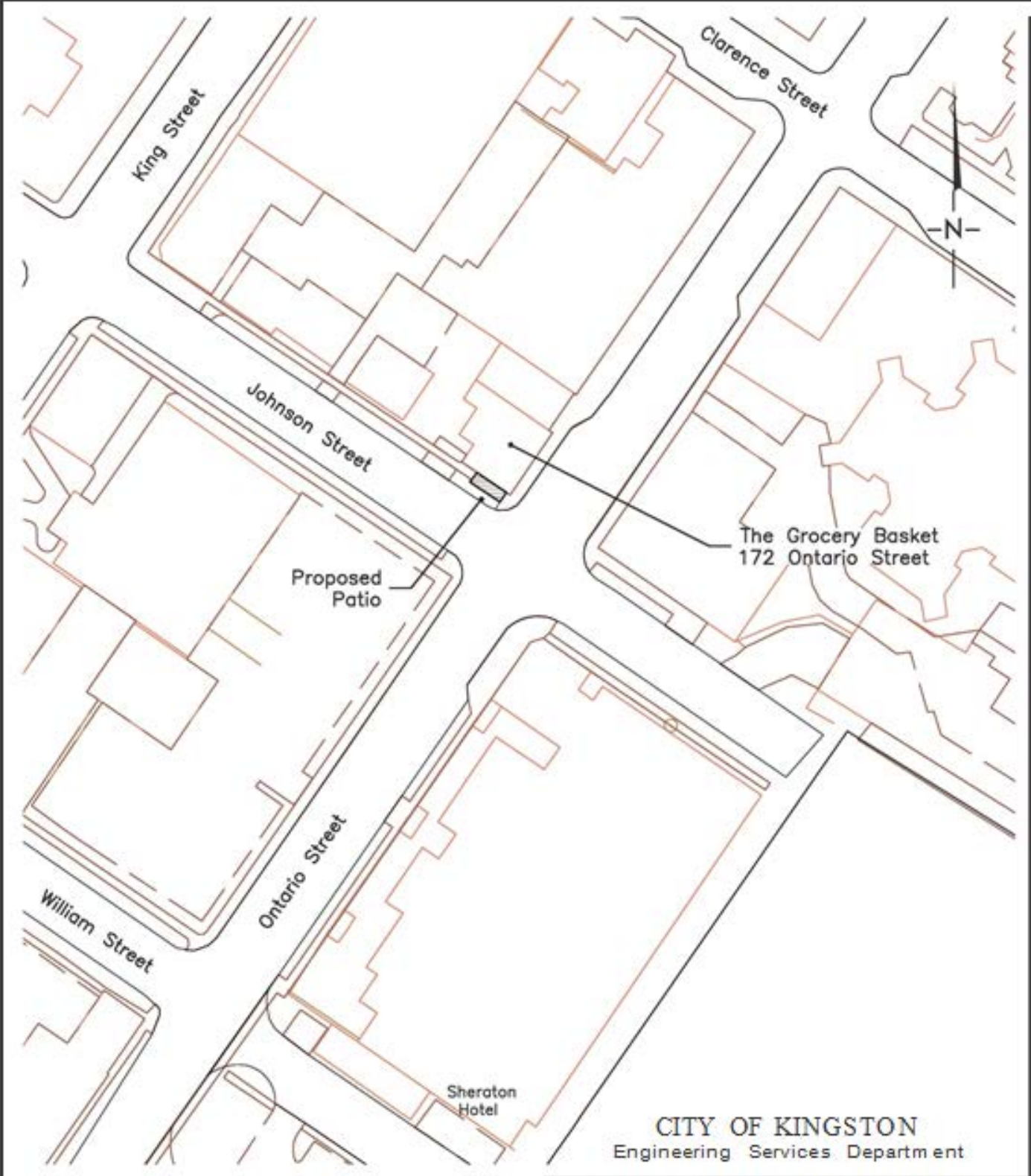
Other City of Kingston Staff Consulted:

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:

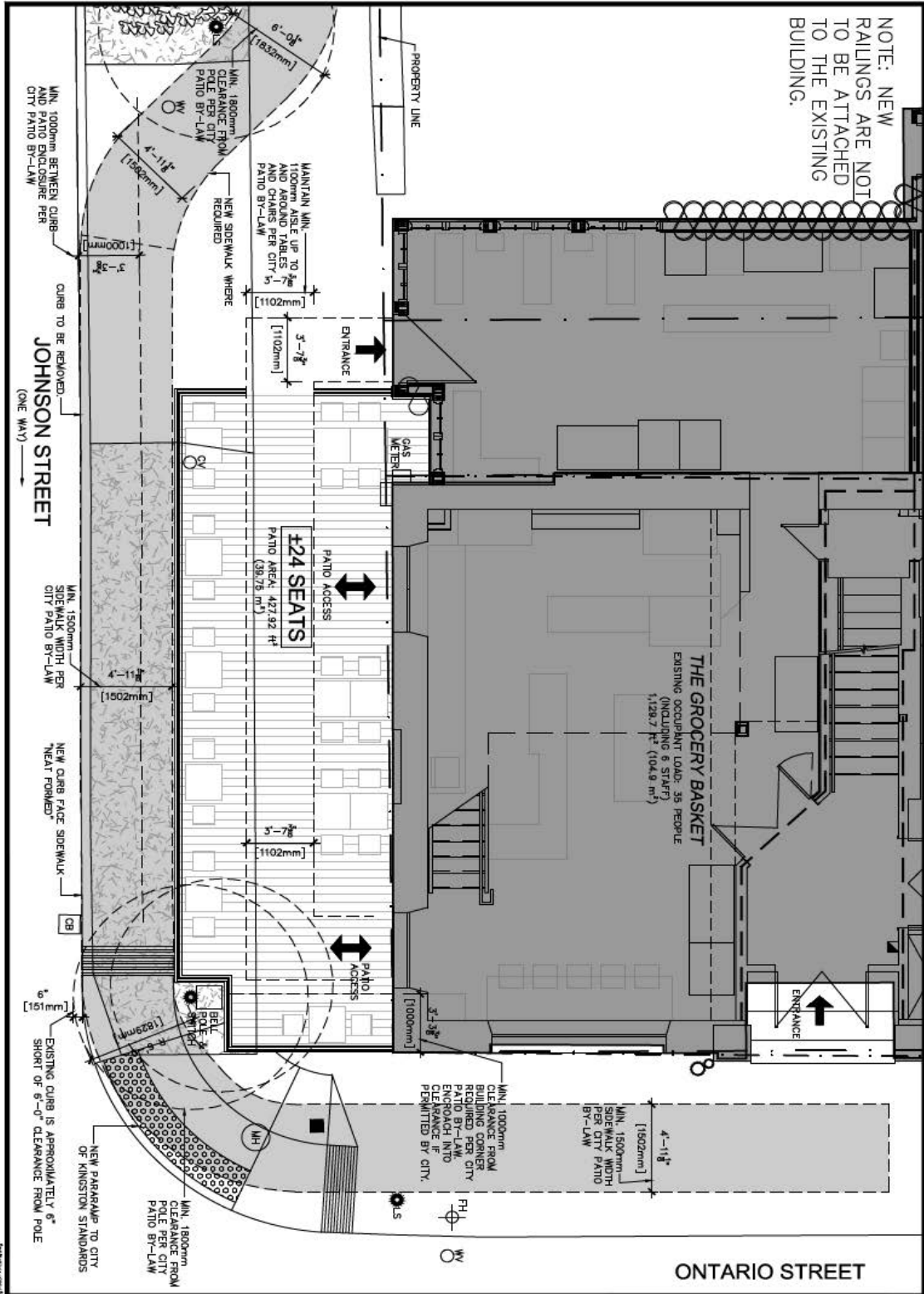
Exhibit A – Site Location Plan

Exhibit B – Proposed Site Plan



CITY OF KINGSTON
Engineering Services Department

Site Location Plan
The Grocery Basket



Project
The Grocery Basket: Sidewalk Patio

Location
**172 Ontario Street
 Kingston, Ontario**

Drawing
Proposed Site Plan: Option 2

Client

szs
Shoals and Zaback Architects Ltd

Certificate of Practice Number: 2438
 4 Cataragui Street, Suite 206, Kingston, ON K7K 1Z7
 tel. 613 541 0776 fax. 613 541 0804
 mail@szsarch.com www.szsarch.com

Drawn by: AJ Date: 21 March, 2019
 File Name: 19031 - PL01a Scale: 3/16" = 1'-0"
 Client Project # Drawing Number

PRELIMINARY
 NOT FOR CONSTRUCTION

