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**Date:** April 10, 2019

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Schwarzkopf Investments Corp (O/A Wineology)  
19 Main Street East  
Request to install and operate a Sidewalk Café

**Report No.:** PDS 2019-017

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## **AIM**

To provide Council with information regarding a request for approval of a sidewalk patio and associated license agreement for a patio on a portion of the municipal sidewalk to be located in front of 19 Main Street East (Wineology).

## **BACKGROUND**

Council approved a policy establishing a procedure for addressing owner's requests for use of the municipal sidewalk for outdoor cafés and patios. The principle reasons for the policy was to ensure a license agreement was entered into for use of the municipal right-of-way, necessary insurance was provided, and proper planning was undertaken prior to the establishment of the café.

## **DISCUSSION**

Wineology has applied to establish a new area on the municipal right-of-way (sidewalk) as illustrated on the attached sketch (see Appendix A). The café will provide for seating within the designated area. A boardwalk will be installed to minimize any impact on the pedestrians providing an accessible path around the proposed sidewalk café.

The owners have agreed to pay fees plus the applicable HST which will cover the purchase and construction of the boardwalk and pedestrian barriers (to be paid over 5 years), occupation of the on-street parking during the months of operation, and annual installation and disassembling.

A similar request was submitted and approved by Council for the former Bridgehouse in this location in 2016 but was not installed. The basic design of the proposed patio would be the same.

Both the Kingsville BIA and Kingsville Accessibility Advisory Committee (KAAC) were circulated with the proposed details of the patio and provided comment (see Appendix B). KAAC has no objection to the patio as long as it does not impact on accessibility along the sidewalk or impact on the accessible parking space directly east on the proposed patio.

Comment: A boardwalk with ramping will be installed around the patio to insure accessibility is maintained. Location of the boardwalk can be designed and located to avoid impact on the accessible parking space.

The BIA comment related to the potential use of a more temporary barrier that would avoid full time use of parking spaces when the patio is not in use. The other item was to consider less seating limited to certain times that would avoid the need for use of parking spots.

Comment: While both of these would be ideal circumstances there are logistical, safety and AGCO licensing issues that are created. Temporary barriers would not be practical and would not offer the necessary protection to pedestrians and patio users. It would also not lend itself to the owners being able to license the patio space. Reduced use of the sidewalk, as noted by the BIA comment, would need wider sidewalks. This approach was done for one restaurant in the downtown with a sidewalk bump out however this option permanently eliminates parking spaces.

Since this is the initial application for a sidewalk café in this location, it is part of the standard practice that the approval is limited to a one year term. This provides the opportunity for the Town and other interested parties to assess the workability of the proposed patio in this location prior to any longer-term agreement.

#### Parking versus Business accommodation

The parking concern in the downtown is not new. It initially arose as a result of a parking review undertaken by Planning Services staff in the summer of 2015. The review was part of a potential implementation of a cash-in-lieu fee to expanding downtown businesses. As part of the consultation process on this item it was initially stated, based on supply of parking, growing demand and general feedback from the public that there was a lack of parking in the downtown. As discussions progressed with the BIA and downtown businesses as well as Council itself it became clearer that while parking was an important factor and needed to be monitored going forward, there was no persuasive lack of wide spread parking in the downtown.

It is important to also note that as part of that review the report to Council did highlight that activities such as patios and downtown activities, other than typical day-to-day business, would put added demand on parking space availability in the downtown. For the past two to three years the provision of patios has resulted in the loss of four on-street parking spaces. There are a total of two patios planned for this year so the reduction in parking will remain the same. Based on the review noted above this would not significantly impact the available parking since the difference in operation times would assist in lessening overall

peak demand. It does however raise the possibility that the overall number of patios permitted in the downtown area may require limitation in the future.

Within the proposed licensing agreement, a number of items will be addressed including the requirement for insurance, use of the sidewalk, etc. The agreement provided for Wineology is the standard agreement without any special provisions.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

Application fee and deposit was received.

Insurance provisions of the agreement must be satisfied.

Indemnity deposit of \$1,000.00 is required.

Fees for the construction, installation and disassembly will be collected and are detailed in the agreement.

## **CONSULTATIONS**

Town of Kingsville Management Team, Kingsville Accessibility Advisory Committee  
Downtown Kingsville BIA

## **RECOMMENDATION**

It is recommended that Council approve:

the requested application for a licensed patio on the municipal right-of-way located at 19 Main Street East, and

the Town of Kingsville entering into a license agreement for the period from May 1 to November 1, 2019 with Schwarzkopf Investments Corp. for the operation of a licensed patio located at 19 Main Street East.

*Robert Brown*

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*Peggy Van Mierlo-West*

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Chief Administrative Officer