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Date: September 13, 2019

To: Mayor and Council

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RE: Sidewalk Café – Standard Operation Procedure Update
– Notice of Meeting

Report No.: PS 2019-030

AIM

To provide the Mayor and Council with information on the requested update to the sidewalk café Standard Operating Procedure to include notification of surrounding landowners as part of the application process.

BACKGROUND

Sidewalk cafes in downtown Kingsville have been a popular attraction for a number of restaurants particular in the Main St. W. blocks west of Division St. Provisions were made for one café through the reconfiguration of the sidewalk with a permanent 'bump-out' to maintain a clear path along the street. The disadvantage of this is the removal of at minimum one parking space. Two other approved cafes in the same area employed the use of large concrete planters and a boardwalk that are installed only during the café season, typically between April and October. This still removes one to two parking spaces per café but not year round.

DISCUSSION

Earlier this year a sidewalk café was approved east of Division St. on Main for a new business. The same temporary design was used and the café has proven equally beneficial for this business. Approval of this café was not met with resounding support by a number of businesses in the downtown in part because they felt they were not consulted as part of the application for approval process.

The current policy requires submission of a design and review by municipal staff and circulation for discussion and comment to the Downtown Business Improvement

Association (BIA) and Kingsville Accessibility Advisory Committee (KAAC). There was no outright objection to the café in part because the same design had been approved in 2016 for a former business in the same location. That business did not however have the café installed at that time. The BIA had made comment on the consideration of a different format that would not impact on parking. KAAC had no objection subject to the installation being such that accessibility was not impacted.

As a result of the concerns with the installation of this latest café a motion of Council was made for administration to amend the sidewalk café policy to provide improved communications with surrounding landowners, residents and the BIA within a 60 metre radius.

It is suggested that a notice of meeting be provided to all landowners within 60 metres advising that an application for a sidewalk café has been submitted and scheduled for consideration by Council. It is worth noting that the BIA is notified already of applications for cafes and the policy requires that a formal meeting has been held and the subject café application was an agenda item for discussion. Once this is completed formal comment is provided to Town staff for inclusion in the report to Council. If there is concern that BIA membership is not being circulated with this information then the BIA would need to review its internal communications to insure that all members are notified.

The revised SOP is attached as Appendix A and the proposed changes are highlighted in yellow.

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

There is financial consideration with the introduction of formal notice being required as part of the application process. As part of this requested updated the fee for a sidewalk café has been reassessed. The fee is minimal and does not cover added notice circulation or the true cost of review and drafting of the associated agreement, particularly for new cafes. The process has become similar in nature to site plan approval involving a considerable increase in time and review. With the addition of a notice requirement to the current policy and with the increased expectation on review a new two-tier fee structure needs to be considered. It is suggested a minimum fee of \$600 be collected for a new sidewalk café and that the annual renew on a sidewalk café (no layout or design changes) be increased to \$200.

CONSULTATIONS

CAO, Administration and the Kingsville BIA

The draft report, SOP and a template agreement were circulated to the BIA for review and this material was circulated by the BIA to its entire membership. Subsequently staff attended the August 13th meeting of the BIA to review the material and gain some insight on the memberships concerns or comments.

The principle issues of concern were the loss of curbside parking resulting from the cafes and the overall look and maintenance of the patios. I believe that the BIA supports the idea of the cafes but moving forward would like to see if there are alternatives to the current format that can address the needs of the individual businesses while reducing the loss of parking.

The Town has been monitoring café use, maintenance, general support or dislike since the patios first started. As with the BIA, the general opinion is supportive but qualified with the dislike of the loss of access to parking in close proximity. Staff can continue to research what alternatives are available that balance the desire of the businesses to have a café with the needs of AGCO licensing, safety of the patrons and pedestrians, limiting liability to the Town and protecting the look of the area. Based on the current demand it would be recommended that this be looked at prior to the start of the 2020 sidewalk café season.

To address future look and maintenance of patios it is recommended, that as part of the application process (See Appendix B), applicants would be required to outline in their submission what they are planning for landscaping, barriers and furniture. To bolster this the cafe agreement wording would be reworked to reference the approved plan for the café layout. (See Appendix C – Sample Agreement)

RECOMMENDATION

It is recommended that:

Council receive the report on sidewalk café standard operating procedure public notification update for information purposes;

Council endorse the revised application and sample café agreement moving forward into 2020, and

Council adopt a two-tiered fee structure for sidewalk café applications for consideration in the 2020 budget deliberations.

Robert Brown

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Peggy Van Mierlo-West

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