



Corporate Report

Report from Transportation & Environmental Services, Operations

Date of Report: August 8, 2013

Date of Meeting: August 12, 2013

Report Number: TES-245-2013

File: 56.14.2

Subject: Sidewalk Patio – 80 James Street (Gord's Place)

Recommendation

That approval be given to the applicant to operate an outdoor sidewalk patio in front of 80 James Street, of approximately 146.08 square metres in size, for a term not exceeding five years, which may be terminated by the City as licensor upon thirty (30) days written notice to the licensee; and

That the applicant enter into a licensing agreement detailing the conditions of such license in accordance with Council's policy and the design guidelines for outdoor sidewalk patios; and

That an application fee of \$349.08 (including HST) as outlined in the 2013 Schedule of Rates and Fees be paid by the applicant; and

That the Annual Rental Fee as outlined in the Schedule of Rates and Fees be paid by the applicant; and

That the Clerk be directed to make the necessary notifications; and

Further, that the City Solicitor be directed to prepare the necessary agreement and by-law. FORTHWITH

Background

Staff are in receipt of a request from the owner of Gord's Place restaurant at 80 James Street to install a licensed patio area on James Street in front of their business as part of the recently approved Civic Square project. The owner wishes to enter into a license agreement and is seeking Council's approval to move forward with the project.

Report

The proposed patio would occupy 146.08 square metres of the road surface on James Street in front of the restaurant. A diagram of the proposed patio can be found in Appendix 1. Staff have reviewed the application and have no objections to

the proposal provided the applicant complies with all of the design guidelines in accordance with City policy.

The implementation process requires the applicant to enter into an agreement which will reflect the conditions contained within the design guidelines, any fees based upon market value for the use of the lands, liability insurance, maintenance of the premises, seasonal portability of the operation, and any other matters which upon failure may result in a forfeit in the rights to carry out the outdoor patio use. Legal Services recommend that license agreements contain a thirty (30) day termination clause so that the municipality is protected and not unduly restricted in utilizing the public road allowance for its intended purposes. The operation of patios is generally seasonal in nature and is limited to a maximum six month period (April 15 to October 15).

Although the Civic Square project has only been approved for 2013, staff recommend that the license agreement have a term of five (5) years to minimize the need for subsequent agreements should Council decide to proceed with the project in future years.

Financial Implications

The applicant will be required to pay an application fee of \$349.08 and an annual rental fee of \$38.75 (including HST) per square meter of road occupied based on the Schedule of Rates and Fees (\$5,660.60 based on 2013 rates). The rental fee will be prorated for 2013.

Council should be aware that the applicant has submitted a proposal to provide various services associated with event programming, security and maintenance of the Civic Square space in exchange for a waiving of the above noted patio fees or fees for service. As the details of these services are still being developed, they will be the subject of a future report to Council.

Notifications

It is in order to notify the applicant, Mr. Paul Angelo De Divitiis, owner of Gord's Place restaurant, 80 James Street, St. Catharines, Ontario.

Submitted by:

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Kris Jacobson
Manager of Transportation Services

Approved by:

Ron Tripp, P. Eng.
Director

APPENDIX 1 GORD'S PLACE PATIO

GORD'S PLACE
84 JAMES STREET

PROPOSED PATIO
146 Sq. M.
17.6

8.3

CIVIC SQUARE AREA
JAMES STREET