



**The Corporation of the City of Stratford
Infrastructure, Transportation and Safety Committee
Open Session
AGENDA**

Date: Tuesday, May 29, 2018

Time: 7:40 P.M.

Location: Council Chamber, City Hall

Committee Present: Councillor McManus - Chair Presiding, Councillor Brown - Vice Chair, Mayor Daniel Mathieson, Councillor Beatty, Councillor Bunting, Councillor Clifford, Councillor Henderson, Councillor Ingram, Councillor Mark, Councillor Ritsma, Councillor Vassilakos

Staff Present: Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Ed Dujlovic - Director of Infrastructure and Development Services, Jacqueline Mockler - Director of Human Resources, Michael Humble - Director of Corporate Services, Carole Desmeules - Director of Social Services, David St. Louis - Director of Community Services, John Paradis - Fire Chief, Tatiana Dafoe - Deputy Clerk, Jeff Leunissen - Manager of Development Services, Mike Beitz - Corporate Communications Lead

Pages

1. Call to Order

The Chair to call the Meeting to Order.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

3. Delegations

None scheduled.

4. Report of the Deputy Clerk

4.1 42 Campbell Court Request for Exemption to the City's Traffic and Parking By-law (ITS18-024)

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At the May 14, 2018 Regular Council Meeting, the City Clerk advised that new information relating to this request had arisen following the completion of this report. A request was made to defer this item to the May 29, 2018 Infrastructure, Transportation and Safety Committee meeting in order for staff to review and include with the report.

Motion by _____

Staff Recommendation: THAT 10 vehicles be permitted to park on Greenwood Drive, including overnight, from June – October, 2018, subject to no complaints being received;

AND THAT Stratford Police Services be notified of this one time exemption.

4.2 Private Restaurants Serving in Market Square (ITS18-029)

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Motion by _____

Staff Recommendation: THAT the serving of food and beverages not be permitted in Market Square unless part of a special event and subject to all necessary licences and permits being obtained.

5. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by _____

Committee Decision: THAT the Infrastructure, Transportation and Safety Committee meeting adjourn.



MANAGEMENT REPORT

Date: May 14, 2018
To: Infrastructure, Transportation and Safety Committee
From: Tatiana Dafoe, Deputy Clerk
Report#: ITS18-024
Attachments: None.

Title: 42 Campbell Court Request for Exemption to the City's Traffic and Parking By-law

Objective: To review a request for exemption to the City's Traffic and Parking By-law to permit overnight parking on a surrounding street from 42 Campbell Court.

Background: On January 18, 2018, the City received a request from a project manager with a building located at 42 Campbell Court for an exemption to the City's Traffic and Parking By-law 159-2008. The underground garage of the Skyline Apartment building located on Campbell Court will be undergoing renovations commencing in June and is anticipated to be completed by October 2018. The exemption request was to permit approximately 40 vehicles to park on Campbell Court and Greenwood Drive, including overnight. The City's Traffic and Parking By-law prohibits overnight parking from 2:00 am – 6:00 am year round.

Staff from the Clerk's Office, Fire Services and Infrastructure and Development Services reviewed the request and advised it could not be accommodated for the following reasons.

- 1) Emergency Vehicle Access – Campbell Court is a high density area with a variety of apartment, condo and residential buildings and Stratford Fire Services frequently visits this area. Concern was expressed for emergency vehicle access to this area if vehicles are permitted to park on the street, including overnight.
- 2) No Parking Permitted on Campbell Court – the City's Traffic and Parking By-law prohibits parking on Campbell Court anytime.
- 3) Length of the project – Concern was expressed with the length of the project and the impact on the area.

At that time it was recommended to the project manager that an alternate arrangement be found and it was suggested area buildings be contacted to provide parking.

On February 1, 2018, a second request was received from the project manager to permit 10 vehicles to park on Greenwood Drive or McCarthy Road West. Staff from the Clerk's Office reviewed these areas and expressed the following concerns:

- length of the project;
- limited area for parking on neighbouring streets due to bike lanes, bus routes, driveways;
- density and emergency vehicle access.

The project manager was again encouraged to contact neighbouring buildings and in an effort to provide further assistance, as concern was expressed that the manager did not know the area, it was suggested Greenwood Court and McCarthy Place be contacted.

Analysis: On April 4, 2018, the City received a request from the Senior Resident Manager of this building to permit 10 vehicles to park overnight on Greenwood Drive or McCarthy Road West during this project. The Community Services department was contacted and staff offered the use of the parking lot located at the Rotary Complex. Concern was expressed from the Senior Resident Manager that the Rotary Complex is too far away for the residents who would be using these spaces as some have mobility issues.

Staff in the Fire Services, Community Services and Infrastructure and Development Services reviewed this request and noted the following:

Fire Services

- With the amended request of parking to McCarthy Road West with only 10 vehicles, no concerns were expressed so long as the vehicles are parked on the south side of McCarthy Rd.
- The vehicles will have to be parallel parked, not angle parked as was the case on the north side of McCarthy Rd when the Canadian Dairy XPO put in a request for bylaw exemption for their 2 day event. The north side had more room to angle park in the bike lane, but given 42 Campbell Courts situation and length of request, concerns were noted that it is unsafe to ask tenants to cross McCarthy Road West daily and that the bike lane would also be compromised;
- No concerns were reported with parking on Greenwood Drive as parking is currently permitted during the day.

Community Services

- Concern was expressed with permitting vehicles to park on Greenwood Drive and along the South Side of McCarthy Road West as these are transit routes which limits the ability to park vehicles.
- Parking could potentially be permitted on North Side of McCarthy Road West.

Infrastructure and Development Services

- No parking restrictions on Greenwood Drive during the day, but Traffic and Parking By-law prohibits overnight parking;
- Expressed concern with amount of traffic on McCarthy Road West and the bike lanes being compromised;
- Dairy XPO was a two day event but this request is for 3-4 months.

Options Available:

1. Do not grant Traffic and Parking By-law Exemption Request;
2. Permit 10 vehicles to park on Greenwood Drive from June – October, subject to no complaints being received.

Parking on McCarthy Road West is not recommended because of the amount of traffic, the bus route along the south side, and the bike lanes being impacted on the north side during the time of the year where they would be used at full capacity.

Staff continue to recommend that the Senior Resident Manager reach out to neighbouring residential units, such as McCarthy Place, to find alternate accommodation for vehicles. Alternatively, as the parking lot at the Rotary Complex has been made available for use the Senior Resident Manager may wish to consider a shuttle service to and from the Rotary Complex and 42 Campbell Court.

If an exemption is granted on Greenwood Drive, City staff will work with Stratford Police Services and obtain information on the vehicles permitted to park overnight.

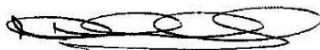
Financial Impact: There are no financial implications to be reported.

Staff Recommendation: THAT 10 vehicles be permitted to park on Greenwood Drive, including overnight, from June – October, 2018, subject to no complaints being received;

AND THAT Stratford Police Services be notified of this one time exemption.



Tatiana Dafoe, Deputy Clerk



Michael Humble, Director of Corporate Services

A handwritten signature in black ink, reading "Rob Horne". The letters are cursive and fluid, with the first name "Rob" and last name "Horne" clearly distinguishable.

Rob Horne, Chief Administrative Officer



MANAGEMENT REPORT

Date: May 29, 2018
To: Infrastructure, Transportation and Safety Committee
From: Tatiana Dafoe, Deputy Clerk and
Stephanie Potter, Policy & Research Associate
Report#: ITS18-029
Attachments: None

Title: Private Restaurants Serving in Market Square

Objective: To review the feasibility of restaurants using Market Square for the purpose of conducting business and serving patrons.

Background: In 2017, the re-development of Market Square into a new open space available to the public was completed. Market Square has become a meeting place for citizens and visitors to enjoy. Various special events have also been held in this space.

Following completion of construction, a request was made from a local restaurant to begin serving customers seated in the Square. As part of this request, the City was asked to identify the tables currently available to make it easy for the restaurant to determine where to deliver the order once ready. The rationale for this request was that it is similar to a pizza being delivered to a public place. Additionally, at the April 23, 2018 Infrastructure, Transportation and Safety Committee meeting, Council directed staff to review the feasibility of restaurants serving food and beverages in Market Square.

Staff have investigated the concept of creating a licenced designated area on the periphery of Market Square for local restaurants to use as a shared patio. Some key considerations are as follows:

- Licencing requirements and compliance with the *Liquor Licence Act, 1990*;
- The feasibility and legality of carrying open or unopen alcohol to and from the licenced area;
- Insurance implications and liability issues (i.e. the safety of and liability for servers walking to and from the restaurant, City liability should there be an incident on public property as a result of this operation);

- The operation of the space (e.g. – identification of tables, cleaning and bussing of tables, reserving tables, determining which restaurants will have tables, how to delegate the use of empty tables, etc);
- Conducting private business in a public community space designed specifically for public enjoyment;
- Will the City require the private businesses operating in this area to obtain a licence from the City;
- The development of a regulatory framework for this concept with legal counsel and our insurance provider.

Analysis:

Current Regulatory Framework

At present, the City of Stratford's Business Licencing By-law 187-2004 (Licencing By-law), licences, regulates and governs certain businesses in the City and establishes licencing fees.

Under the Licencing By-law, restaurants can obtain an Outdoor Café business licence. This licence allows restaurants to erect outdoor seating on municipal property adjacent to a building, including a sidewalk, for the purpose of serving or consuming food or beverages. At this time, there is no framework for the erection of a licenced patio on municipal property that is not adjacent to a building unless as part of a licenced special event.

Best Practice Research

Research was undertaken to determine whether other municipalities permit or regulate this type of operation:

- The Cities of Toronto and Brampton both indicated that there are presently no regulations for a restaurant operating in a public space other than restaurants obtaining licences to operate an outdoor café on municipal sidewalks adjacent to their property (same as current City practice);
- Similarly, the Cities of Barrie, Cornwall, Meaford, Fort Erie, and Kitchener indicated that they do not presently have any regulations to allow a restaurant to operate in a public space. They do, however, allow restaurants to obtain licences to operate outdoor cafés on municipal sidewalks and can extend the outdoor café into municipal parking spaces adjacent to their property through an encroachment agreement. Please note that:
 - Each outdoor café application is subject to individual evaluation and must comply with the criteria set by the municipality (e.g. outdoor cafés are only

- allowed in specific areas of the downtown core, the municipality must be added as an additional insured on the restaurant insurance policy, etc);
 - All permitted outdoor cafés are adjacent to restaurant properties.
- These municipalities further noted that they have not received any requests from restaurants to serve patrons in public spaces, as most restaurants serve their patrons in their establishment or offer a take-out option, which allows patrons to take out food and consume it wherever they like;
- Brampton specifically noted that in instances where restaurants are serving patrons in a public space, it is for a special event and is therefore regulated through the special event process;
- The City of Toronto advised that groups of 25 or more gathering in a park or public square are required to obtain a Social Gathering Permit. They could also receive permission to have private catering companies provide food, but it would be subject to the Park Supervisor's approval;
- Staff also contacted restaurants in Toronto to determine whether or not they deliver food to outdoor public spaces. Each restaurant indicated that they offer food delivery services through third parties, such as Foodora and Uber Eats. These third party services will deliver restaurant food to outdoor public places, so long as clear delivery instructions are provided, including a street address and postal code.

Issue of Liquor

City staff consulted the Alcohol and Gaming Commission of Ontario (AGCO) to inquire about the possibility of licencing an area of Market Square for a shared restaurant patio. At present, there is no liquor licence that would allow this concept as proposed. Under the *Liquor Licence Act, 1990*:

- A liquor licence can only be granted to a restaurant for an outdoor patio if the patio is adjacent (i.e. – attached) to their property;
- The City could apply to be the permanent licence holder for Market Square, however, this would not permit restaurants to serve drinks in Market Square, as the City would be the only party licenced to serve alcohol in Market Square;
- There can only be one permanent licence holder for the property (i.e. – the City);
- While a special event permit would allow multiple restaurants to serve alcohol as part of a special event in a fenced, temporary space, these permits can only be granted for a maximum of 12 days.

Insurance Requirements

The City's insurance provider gave the following information for consideration:

1. Liability Insurance

If the City chooses to formalize a relationship with one or several restaurants and allow them to serve patrons in Market Square, this would require an agreement that would include a certificate of insurance from those restaurants naming the City as an additional insured as well as an indemnity agreement so the City is not responsible for actions of the restaurants;

2. Liquor Licensing

If alcohol is to be served, then the same licensing requirements would have to be satisfied as if it were a patio at a restaurant. This presents a substantial challenge given the nature of the property. The City's insurance provider strongly cautioned against the City obtaining a liquor license for the area due to significant increases in potential liability.

Legal Opinion

If the City wants to formalize a relationship with one or several of the restaurants and allow them to serve patrons in Market Square, an agreement with each restaurant would be required, establishing operating hours, minimum insurance requirements, City standards and also include an indemnification ensuring that the City is not liable for any of the activities/actions of the restaurant. Legal counsel also noted that the City should consider creating a special class of licence for this operation under the City's Business Licencing By-law 187-2004. Finally, legal counsel noted that the City could consider establishing a small designated area for such uses, but should be cognizant of privatizing the Market Square area which was intended to be a public space.

Feedback from the Stratford City Centre Business Improvement Area (BIA)

Staff consulted with the Stratford BIA regarding the proposed shared patio concept. The BIA fully supports adding more tables, chairs, and umbrellas to Market Square and has offered to explore sponsorship opportunities with the City for additional furniture. However, the BIA raised concerns with the proposed shared patio concept, as it privatizes portions of a public space intended for free and open community use. The BIA would prefer that restaurants offer takeout and delivery options.

Options:

1. Restaurants Offering Take Out:

Concept: Restaurants provide patrons with a take-out option and the patron determines where they want to sit.

Considerations:

- This option presents no financial or liability implications for the City, and requires no amendments to current by-laws;
- The City may wish to consider adding more tables and chairs to Market Square. City staff are exploring sponsorship opportunities for additional furniture and umbrellas in partnership with the BIA.

2. Restaurants Offering Delivery:

Concept: Restaurants allow patrons to order takeout food over the phone or online and deliver it to them in Market Square.

Considerations:

- Restaurants would be limited to delivering takeout food in disposable containers. They would not be able to deliver alcohol to an unlicensed area;
- Patrons would be required to pre-pay for their orders, as paying for an order while in Market Square could qualify as conducting business in Market Square and may require restaurants to obtain a hawker peddler licence;
- The City may wish to consider numbering the tables in Market Square to allow delivery staff to more easily identify their patrons;
- The safety of and liability for servers walking to and from the restaurant. There may be liability implications if delivery staff were injured while delivering food on municipal property; and,
- An agreement with the restaurants would be required in order to ensure that the City had no liability associated with the servers walking to and from the restaurant.

3. Extending Outdoor Cafes into Parking Spaces:

Concept: Under the current business licencing bylaw, restaurants may apply for an Outdoor Café licence. The City may wish to consider extending the outdoor café into municipal parking spaces subject to a case by case evaluation.

Considerations:

- The City would have to amend its business licencing bylaw to allow outdoor cafes to be extended into parking spaces;
- Each application would be subject to evaluation and would require an encroachment agreement and terms of reference;
- Rental fees and a lease agreement would also be required to recover lost parking revenue;
- The area would need to be clearly partitioned by the restaurant owner;
- The restaurant would be responsible for erecting the patio and sidewalk to ensure pedestrian flow of traffic remains.

4. Shared Restaurant Patio:

Concept: Tables in Market Square could be assigned to specific restaurants to serve food and non-alcoholic drinks in Market Square.

Considerations:

- The city would need to formalize a relationship through an agreement with one or several restaurants to allow them to serve patrons in Market Square, which would include a certificate of insurance from each restaurant naming the City as an additional insured, as well as an indemnity agreement so the City is not responsible for actions of the restaurants;
- Responsibility for the operation of the space would need to be determined (e.g. – identification of tables, cleaning and bussing of tables, reserving tables, determining which restaurants will have tables, how to delegate the use of empty tables, etc);
- The safety of servers walking to and from the restaurant;
- Public safety;
- Enforcement;
- The use of public space to conduct private business;
- Would require an amendment to the City's business licencing bylaw;
- A regulatory framework would need to be developed for this concept with legal counsel and our insurance provider.

5. Special Event:

Concept: Local restaurants may wish to apply to host a licenced special event in Market Square that would allow them to serve their food and drinks to customers in Market Square and/or extend patios.

Considerations:

- The special event would be temporary;
- Road closures may be necessary;

- Would need to comply with AGCO rules and regulations for the serving of alcohol.

Staff Recommendation: It is staff's recommendation that restaurants not be permitted to conduct business in Market Square unless participating as part of a special event. It is preferred that restaurants provide patrons with a takeout option which gives them the freedom to consume their meal where they wish. This option is preferred due to the above noted concerns related to insurance and liability, and the use of public space to conduct private business.

Financial Impact: In the event restaurants are to be permitted to conduct business in Market Square, a regulatory framework will need to be developed with legal counsel and our insurance provider, and a proper licencing fee applied.

The cost of additional furniture for Market Square has not been budgeted. Staff will continue to work with the BIA to explore sponsorship opportunities for adding more tables, chairs, and umbrellas to Market Square.

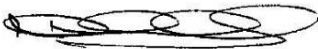
Staff Recommendation: THAT the serving of food and beverages not be permitted in Market Square unless part of a special event and subject to all necessary licences and permits being obtained.



Tatiana Dafoe, Deputy Clerk



Stephanie Potter, Policy & Research Associate



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer