

Date: March 15, 2021

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Flint House Food Truck Patio Request

Stacey and Christine Cridland on behalf of Flint House have written to Mayor and Council requesting to locate a food truck with a licensed patio on Town property near the marina as shown in the attached site plan location. Administration can provide authorization for food trucks to set up in various locations around Town granting approval on a case-by-case basis. Typically, when reviewing a food truck license, administration reaches out to various internal divisions to determine if there are any issues or concerns prior to approving. Given that the current proposal indicated a food truck with a licensed patio we have not conducted the internal circulation as this authorization is out of our abilities under the current business license by-law. An excerpt from the business license by-law including information on “refreshment vehicles” has been attached with this report.

If we look at the food truck alone without the proposed patio, we can begin the circulation process and work towards authorizing the operation to begin in the proposed location (preferably in the parking lot) subject to feedback from the internal divisions.

However, provided the request entails a licensed patio we cannot authorize this at this time. Allowing for a temporary licensed patio for a food truck comes with some logistical challenges to be considered including but not limited to:

- Insurance coverages and liabilities
- Building Code Considerations: accessibility, restroom facility, A-2 occupancy
- Zoning
- Ensuring space for one, ensuring space for all
- AGCO temporary patio extensions
- Marina RFP

Insurance Coverages & Liabilities

Administration will need to conduct further research into required insurances for an operator on Town property. Additionally, the Town’s insurance would need to be reviewed to ensure coverage is adequate.

Building Code Considerations

Building code considerations have been included for discussion, though the proposal does not actually detail the use of a building therefore this creates a convoluted grey area as the building code provisions address patios adjacent to the associated business.

Subsection 3.7.4 of the code details several specific requirements for restroom facilities. Based on the proposed seating the requirements would typically be in the range of 1-2 water closets per sex.

Section 3.8 of the building code addresses accessibility requirements for buildings and their adjacent patios.

Zoning

The current zoning of the proposed location at the waterfront is Open Space (OS), as such, a restaurant and/or patio are not permitted uses. This may require a temporary use by-law to allow.

A mobile food truck is permitted to operate within this zone, subject to interdepartmental review, given that it is a temporary and mobile operation.

Ensuring space for one, ensuring space for all

When considering the request, it should be taken into account that additional similar requests may come forward.

AGCO temporary patio extensions

The AGCO is once again authorizing temporary patio extensions until January 1, 2022 subject to the following:

To be eligible for a temporary patio extension under the AGCO's 2021 patio policy you must have a valid "By the Glass" licence, be permitted to open for on-site consumption and must meet the criteria as set out below:

- 1. The physical extension of the premises is adjacent to:
 - a. the premises to which the licence to sell liquor applies; or*
 - b. a dock to which the boat is attached and may include land adjacent to the dock; or*
 - c. the licensed premises under the "By the Glass" licence;**
- 2. The municipality in which the premises is situated has indicated it does not object to an extension;*
- 3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;*
- 4. There is no condition on the licence prohibiting a patio;*
- 5. The capacity of any temporary extension, allows for at least 1.11 square metres per person; and*
- 6. In the case of "By the Glass" licensees, the sale and service of the wine, beer and/or spirits manufactured by the manufacturer within the physical extension of the premises is primarily aimed at promoting the manufacturer's product and either providing an enhanced tourist experience or fulfilling an educational purpose.*

Further information can be found at the following link: <https://www.agco.ca/alcohol/changes-or-additions-existing-licensed-areas>

Marina RFP

It has been made aware that an RFP has been issued for a private operator of the Sorting Gap Marina. This RFP has been included with this report. Consideration of this RFP should be taken into account when deciding upon this request.

General

Through a phone call conversation with the AGCO, it was made aware that licensing a mobile food truck at a temporary patio was not a common request. The contact from AGCO stated that they were only aware of one licensed food truck which was in Toronto where the truck itself was permanent to the site, the site provided permanent restroom facilities and permanent patio seating.

Further research into the AGCO requirements is ongoing.

Summary

Administration is seeking recommendation from the Committee on the proposal whether to reject or proceed. If the Committee requires further information, administration will work with the applicants to obtain the information to assist the Committee in preparing a recommendation.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel
Chief Building Official & Municipal Planner