



## STAFF REPORT ACTION REQUIRED

### Boulevard Marketing Request 184 Parkview Avenue

<b>Date:</b>	September 23, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 23 - Willowdale
<b>Reference Number:</b>	IBMS No. 09-146158

#### **SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for boulevard marketing.

#### **RECOMMENDATIONS**

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**Municipal Licensing and Standards has received the necessary clearances to recommend that:**

- 1. The North York Community Council approve the Boulevard Marketing application for 184 Parkview Avenue, subject to the following conditions:**
  - a) That the area of the boulevard marketing be no greater than 16.34 square metres;
  - b) That the current structures over the marketing areas be removed and that no structure or canopy of any kind be erected over the marketing area without approval;
  - c) That no marketing or any other activity or storage of materials take place anywhere else on the property or on the adjacent right-of-way so as to obstruct pedestrian or vehicular sight lines;
  - d) That the boulevard leasing license be renewable on an annual basis with the appropriate insurance in place and the required fee being paid;

- e) That a street allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof;
- f) That no claims will be made against the City by the owner(s) for damages occurring to the boulevard marketing area or its elements during snow removal;
- g) That the occupancy permitted by the license is to be removed by the owner, at the expense of the licensee, within 30 days of receiving written notice from the Executive Director of Municipal Licensing and Standards;
- h) The licensee agrees that the City, or any gas, telephone, telegraph, electric light or other public utility company, shall have the right at all times to enter upon the permitted encroachment for the purpose of constructing, repairing, maintaining, replacing or removing any sewer, mains, culverts, drains, water pipes, pole wires or other underground services and installations. The licensee shall not be entitled to any damages or compensation by reason of the exercise of the City and utility company's rights; and the licensee, at his own expense, shall carry out such alterations or removal of the encroachment as may be directed by the City;
- i) In default of the removal not occurring as directed, the City may carry out the removal, at the expense of the licensee, and may recover the costs incurred by legal action or in a like manner as municipal taxes;
- j) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount not less than \$2,000,000 or such greater amount as the City Solicitor may require;
- k) The licensee will, at his expense and to the satisfaction of the Executive Director of Municipal Licensing and Standards, keep and maintain the boulevard marketing area and all or any of its components in a good and proper state of repair and safety, and will not make any additions or modifications beyond what is allowed pursuant to the terms of the License permit;
- l) The licensee pay the appropriate annual leasing rate, established by the City of Toronto, Corporate Services, Facilities and Real Estate Division;
- m) The licensee will secure an endorsement on their business license for boulevard marketing from Municipal Licensing & Standards;
- n) The boulevard marketing area is in effect and renewable on a yearly basis.

## **FINANCIAL IMPACT**

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There is no financial impact anticipated resulting from the adoption of this report.

## **DECISION HISTORY**

The application was received from the licensed business owner in June 2009 and was circulated to Transportation Services and the local Councillor's office.

## **ISSUE BACKGROUND**

This two-storey retail building is located in a residential fourth density (R4) zone (*Attachments 1 and 2*).

The existing boulevard marketing area is in two sections (*Attachment 3*). Section 1 in front of the steps to the main entrance is 60 centimeters by 2.4 metres for a total of 1.48 square metres. Section 2 is in front of the store facing Willowdale Avenue and it is 4.87 metres by 3 metres for a total of 14.86 square metres. Both sections are contiguous and are approximately 63 centimeters from the edge of the sidewalk. The building face on Willowdale Avenue is directly beside the property line so all of the boulevard marketing area is on the right-of-way for a total of 16.34 square metres (*Attachments 4 and 5*).

## **COMMENTS**

Transportation Services, North York Division, reviewed the site, submitted plans, and have no objection to the boulevard marketing area.

This marketing area has been in use by former owner(s) since 2005. The current structure/roof over the marketing area was not part of any previous boulevard lease agreement.

Municipal Licensing and Standards has previously received complaints about, the structure in the marketing area, A-frame signage, over marketing and sight line obstructions. The sight line obstructions are specifically related to the northeast corner of Parkview Avenue and Willowdale Avenue (*Attachment 6*), and also, along the east side of the property by the driveway entrance from Parkview Avenue.

The business operating as "Willowdale Convenience" is a variety store first licensed by the current owner(s) on October 22, 2008 as Licence No. B50-3843027 with an expiry date of October 22, 2009. The licence is not currently endorsed to include boulevard marketing.

## **CONTACT**

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## **SIGNATURE**

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Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. Zoning map
2. Street-line map
3. Site plan
4. Picture of marketing area - April 30, 2009
5. Picture - view north - from Parkview Avenue - Sept. 1, 2009
6. Picture - view south - over marketing NE corner Parkview/Willowdale - April 30, 2009