



**STAFF REPORT
ACTION REQUIRED**

**Boulevard Café Request
1980 Avenue Road**

Date:	October 22, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton-Lawrence
Reference Number:	IBMS No. 09-169030

SUMMARY

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 a boulevard cafe.

RECOMMENDATIONS

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

- 1. The North York Community Council approve the Boulevard Cafe application for 1980 Avenue Road, subject to the following conditions:**
 - a) That no noise be permitted to cross any adjacent property lines or enter over the right-of-way that is the result of any emission of any electronic device or a group of electronic devices incorporating one or more loudspeakers or other electro mechanical transducers at any time;
 - b) That the hours of operation of the patio be restricted to 11:30 am to 11:00 p.m.;
 - c) That the area of the boulevard café on the City of Toronto right-of-way be no greater than 3.65 metres by 14.74 metres, for a total area of 53.9 square metres;

- d) That the boulevard café 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 patio, equipment, enclosure 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;
- 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 café enclosure 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 a patio from Municipal Licensing & Standards;

- n) The patio is for temporary seasonal use only during the period between May 1st and October 31st.

FINANCIAL IMPACT

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 September 2009 and was circulated to Transportation Services, Forestry and to the Councillor for Ward 16.

ISSUE BACKGROUND

This two-storey retail building on the northwest corner of Haddington Avenue and Avenue Road is located in a commercial (C1) zone (*Attachment 1*).

The existing boulevard café was previously licensed and this is an application by the new owner(s) to maintain the café. There is also a patio on Avenue Road but it is located on private property. This application is for the section on the flanking side street of Haddington Avenue. It extends 3.65 metres out from the building and is 14.74 metres in length for a total enclosed area of 53.9 square meters (*Attachments 2, 3, 4 and 5*).

COMMENTS

A complaint was received on June 19, 2009 about loud music on Friday nights from this business. A letter was sent to the business advising them of the violation. A noise package was sent to the complainant(s). Inspection found speakers on the patio which were subsequently removed. Message was left for the complainant to contact us prior to this report being written but no further information was received. The file remains open.

Transportation Services, North York Division, reviewed the site and submitted plans and have no objection to the boulevard café. The Forestry Division reviewed the site and has no objection to the existing cafe.

The business operating as “Honey’s Beestro” is a restaurant currently licensed by the City of Toronto as Licence No. B71-3956822 with an expiry date of August 24, 2010. This operation was first licensed on August 24, 2009. The licence is currently endorsed to include an outside patio.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Transportation photo taken Sept. 29, 2009,
1980 Avenue Rd., facing north at the corner.
3. Transportation photo taken Sept. 29, 2009,
1980 Avenue Rd. from Haddington Ave., facing north.
4. Transportation photo taken Sept. 29, 2009,
1980 Avenue Rd. from Haddington Ave., facing east.
5. Site Plan