



## STAFF REPORT ACTION REQUIRED

### Boulevard Cafe Request 1662 Eglinton Avenue West

<b>Date:</b>	July 19, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 15 - Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 10-129769

### 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 café.

### RECOMMENDATIONS

---

1. Municipal Licensing and Standards has not received the necessary clearances to recommend that the Boulevard Cafe application for 1662 Eglinton Avenue West be approved.

### FINANCIAL IMPACT

---

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

### DECISION HISTORY

The application was received from the business owner(s) agent in February 2010 and was circulated to Transportation Services, Forestry, the Ward Councillor and the relevant utilities.

### ISSUE BACKGROUND

The property is zoned Main Street Commercial/Residential (MCR) and it is in the former City of York, on the north side of Eglinton Avenue West (*Attachment 1*), west of Times

Avenue. The operation is a two-storey storefront unit adjacent and attached to other commercial/retail operations with residential units on the second floor.

The proposed café will extend 5.6 metres from the building wall and be approximately 3.7 metres wide. The opening for the café would be on the east side at the property line of 1662 Eglinton Avenue West. The amount of right of way to be enclosed would be approximately 5.6 metres in width and 3.7 metres in length for a total of 20.72 square metres.

## **COMMENTS**

Transportation services as part of their review of this application have indicated that they object to the proposed boulevard café, as it would block the sidewalk and impede pedestrians and disrupt the flow of pedestrian traffic. The Ward Councillor has raised concerns about the proposed café.

The business operates as “Ming City Restaurant and Bar” and they hold a current City of Toronto business licence No. B71-3725932 that expires on October 30, 2010.

Should the recommendation not be accepted and the request approved, the conditions of approval should include:

1. That the area of the boulevard café on the City of Toronto right-of-way be no greater than 5.6 metres by 3.7 metres, for a total area of 20.72 square metres;
2. That the boulevard café license be renewable on an annual basis with the appropriate insurance in place and the required fee being paid;
3. That a street allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof;
4. 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;
5. 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;
6. 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;

7. 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;
8. 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;
9. 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;
10. The licensee pay the appropriate annual leasing rate, established by the City of Toronto, Corporate Services, Facilities and Real Estate Division;
11. The licensee will secure an endorsement on their business license for a patio from Municipal Licensing and Standards;
12. The patio is for temporary seasonal use only during the period between May 1<sup>st</sup> and October 31<sup>st</sup>.

## **CONTACT**

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District  
Tel: (416) 395-7012; Fax: (416) 395-7056; Email: mcarey@toronto.ca

## **SIGNATURE**

---

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

## **ATTACHMENTS**

1. Zoning map
2. Site plan
3. Transportation photo facing south
4. Transportation photo facing west
5. Transportation photo facing east