



STAFF REPORT ACTION REQUIRED

Boulevard Cafe Request 636 Vaughan Road

Date:	July 14, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 15 - Eglinton-Lawrence
Reference Number:	IBMS No. 10-129816

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 636 Vaughan Road 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 Local Commercial/Residential (LCR) and it is in the former City of York on the south side of Vaughan Road (*Attachment 1*) west of Oakwood Avenue.

The operation is a storefront unit adjacent and attached to an occupied multi-residential unit to the west and a retail unit to the east that was vacant on July 14, 2010.

The proposed café will extend 5.18 metres from the building wall and be approximately 6.98 metres wide ending 1.17 metres from the west property line. The street line is 0.2 metres from the building face so the amount of right-of-way to be enclosed would be approximately 4.98 metres in width and 6.98 metres in length for a total of 34.76 square metres (*Attachment 2*).

COMMENTS

Transportation Services as part of their review (*Attachments 3 and 4*) of this application have indicated that they have no objection as long as there is 2.2 metres of sidewalk clear from the curb and that it does not extend past the fence line. Forestry has no objection. The ward Councillor has raised concerns regarding a café being approved for this location.

The business operates as “Tony’s Sports Bar” and they hold a current City of Toronto business licence No. B71-3501292 that expires on February 20, 2011.

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 4.98 metres by 6.98 metres, for a total area of 34.76 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 & Standards;
12. The patio is for temporary seasonal use only during the period between May 1st and October 31st.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Site plan
3. Transportation photos March 31, 2010 facing south
4. Transportation photos March 31, 2010 facing east and west