

WRELL SMITH
LICENCE
3823

No.	Date	Revision
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Signed,

All dimensions must be checked at the project site by the contractor. Differences from the drawing dimensions must be reported to the Architect immediately. Drawings must not be sealed. All drawings and specifications are the property of the Architect and must be returned at the completion of the job.

PROJECT: 263 GERRARD ST.
ALTERATIONS AND ADDITIONS
TO EXISTING BUILDING
PROPOSED SITEPLAN W/ PATIO

CLIVE BRETT SMITH
ARCHITECT INC.

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FAX (416) 967-7243
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WWW.CLIVE88ARTIST.COM

Date	Scale	Printed
02.02.2009	N.T.S.	

Drawing Number

SIDEWALK

GERRARD STREET EAST

o-utility - hedg^e

NO. 263

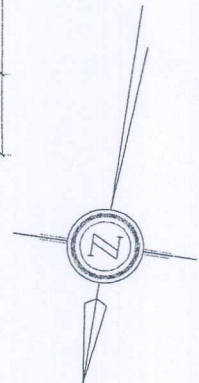
3 STOREY

BRICK VENEER AND ASPHALT

SHINGLE

THIRD STOREY EXISTING

PROPOSED SITEPLAN





Municipal Licensing and Standards

Bruce Robertson
Director

Please Reply to:
Pat Thornback

Acting Supervisor
Licensing Services
850 Coxwell Ave, 3rd Floor
Toronto, ON
M4C 5R1

Tel: 416-392-6700
Fax: 416-338-7225

April 29, 2010

Berkeley Property Management Corp
c/of The Underdown
263 Gerrard St E, Basement
Toronto, Ontario
M5A 2G1

Re: Sidewalk/Boulevard Cafe Application – File # B067183

I am writing in reference to your application submitted for Sidewalk/Boulevard Cafe privileges.

Boulevard cafes are governed by the criteria set out in Chapter 313-36 of the former City of Toronto Municipal Code. One of the provisions of the Code is that the boulevard café shall not serve or permit to be served anything not served from the abutting premises.

A review of the proposed location has determined taking into consideration the requirement described above, that the application cannot be processed as applied, and therefore is refused.

If you require further information, please contact Maria Mendonca at 416-392-6700.

Yours truly,

Pat Thornback
Acting Supervisor
Municipal Licensing & Standards
Licensing Services

To: City of Toronto, Municipal Licensing and Standards

850 Coxwell AVE

Toronto, ON

M4C 5R1

Attn: Maria Mendonca

From: Brian Underdown, owner of Berkeley Property Management (The Underdown)

263 Gerrard St. E., Toronto, ON, M5A2G1

Date: May 3, 2010

Re: Application for approval to operate a patio in connection with "The Underdown", a restaurant operating at the above location under license no. B71-3842043

Dear Maria,

Further to your recent correspondence refusing my application to operate a licensed patio in association with the above establishment, I would like to appeal this decision. Please consider the following:

I purchased 263 Gerrard St. E. in June 2004 as a mixed use building. The ground floor and basement including the side patio had been operated as a restaurant under the name Pimblett's for a number of years by the previous owner of the building. I re-established the restaurant as "The Underdown" owned by Berkeley Property Management, a corporation wholly owned by me. I operated the above business including the side patio until mid 2006 when it became clear that major renovation of the entire building was required to continue operation of the restaurant as well as the other residential portion of the building. I own the entire building and have funded this major renovation (essentially down to the studs and rebuilt to a very high standard) myself. The Underdown is run as a limited liability company within the building.

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In order to maximize the income from the building, I decided to convert the ground floor commercial space to enable me to rent it to the "Children's Bookbank and Literacy Foundation", a charitable foundation that has made a very positive impact on the neighborhood as well as in the media. I am proud to say that the renovation/rebuild has received very positive response from the community.

Last fall I renewed the license to operate "The Underdown" which is now located in the basement, complete with kitchen and ancillary facilities. The architect and building department have closed off this project as completed and fire and health have sent their approvals to the AGCO.

When I inquired about a patio renewal last fall, I was told by your office that the patio would not be eligible for relicensing since it was not adjacent to the operating business in the basement (I was not aware of this requirement when I undertook the restoration of the building). I spoke with the BIA and the city counselor's office for our ward and they indicated that I should appeal on the following grounds:

- The side patio has easy access to the inside of the restaurant downstairs without traversing the adjacent sidewalk
- The size of the patio has not changed in any significant way
- The entrances to the patio for customers is almost identical
- The patio operated for years before my purchase of the building as part of a previous restaurant operation (Pimlott's Pub) and I continued to operate the restaurant between June 2004 and June 2006 until we stopped to complete the restoration of the building which has added significant value to the community
- Throughout the restoration, we have been in constant dialogue with the local community who have been very complementary and have asked continuously when we will be back in operation

I would be pleased to show you or your officers the facility at any time. I would appreciate a decision that essentially "grandfather's" the side patio so that I can contribute the potential of this property to the community as well as achieve eventually, a return on my considerable investment.

Sincerely,

Brian Underdown

42 Chedoke AV, Hamilton, ON, L8P 4N9

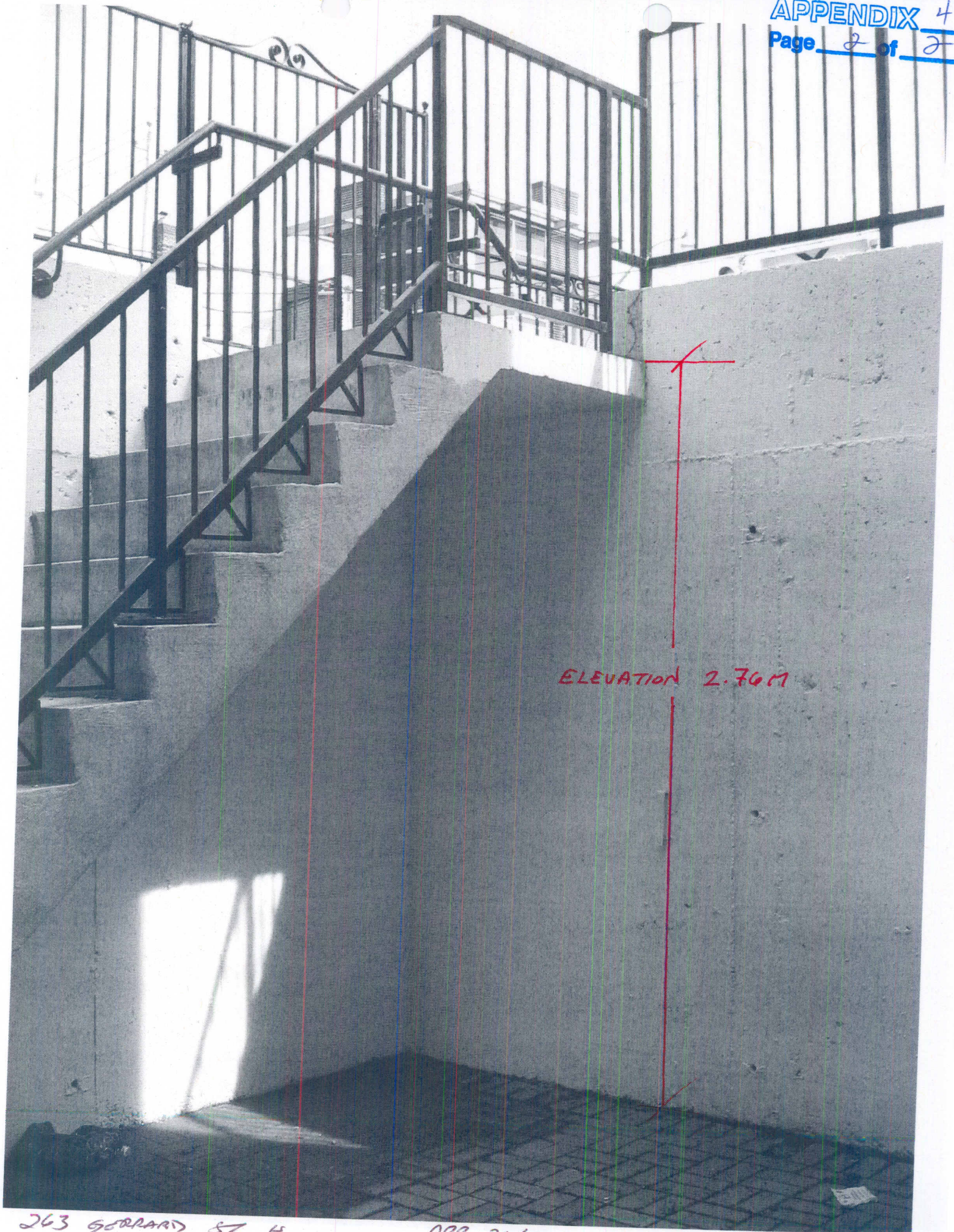
Tel: (416)-278-4924

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Apr 26/10

263 GREEN ST S





263 GERRARD ST E

APR 24/10

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