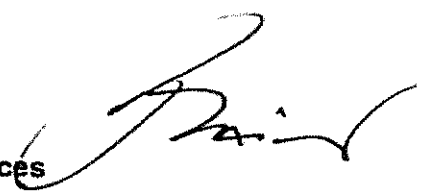




TO: The Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services 

PREPARED BY: Sally Campbell, Senior Planner – Urban Design

DATE: March 25, 2014

RE: Boulevard Patios – Additional Information

Background

At the meeting of Development Services Committee held March 18, 2014 thirteen recommendations were carried relating to an amendment to the Road Occupancy By-law 2013-136 and associated implementing policies and guidelines to permit boulevard patios.

During discussion of the item at the March 18, 2014 Development Services Committee, members of Committee requested additional information on several items prior to the matter being received at Council on March 25, 2014.

Staff have prepared the following response to matters raised.

1. **General Commercial Liability Insurance.** In consultation with Legal and Financial Services It is recommended that the minimum insurance required to be provided by applicants shall be \$5 million and shall include Liquor Liability for premises licensed to serve alcohol.
2. **Hours of Operation.** In accordance with the resolution of Committee, boulevard patios will be permitted to operate between the hours of 7:00 a.m. and 2:00 a.m. subject to compliance with Liquor License regulations for those premises licensed to serve alcohol. The operation of a boulevard patio shall also comply with other applicable laws, including but not limited to the Noise Control By-law. Therefore, in the event that complaints are received due to the operation of a boulevard patio causing nuisance as a result of noise, the City can use its powers under the Noise Control By-law 2003-137, as amended, and the matter will be investigated accordingly.
3. **Fence Structures Bolted Down.** In accordance with the resolution of Committee, the Boulevard Patio Policy will be revised prior to being finalized by the Director of Operations to permit the required patio fence to be bolted down in

a manner that penetrates the sidewalk or boulevard, if required. Other methods of securing the patio fence will also be permitted subject to review and approval by staff and these methods will be illustrated in the Boulevard Patio Design Guidelines.

4. **Boulevard Patios along Regional Roads.** Initial communications with staff at the Region of York suggest that the Region might be amenable to boulevard patios on roads under its jurisdiction subject to the City's regulations. Staff will provide a more fulsome update, as soon as written confirmation has been received from the Region in this regard.
5. **Opening Date for Boulevard Patios.** In accordance with the resolution of Committee, the Boulevard Patio Policy will be revised prior to being finalized by the Director of Operations to clearly indicate that April 1st of each year is the earliest date that a boulevard patio may be operational, but that this will be subject to weather conditions and site conditions. This affords Operations staff an element of flexibility, as repair and maintenance of sidewalks and boulevards may be required following the spring thaw and prior to boulevard patios being installed. Furthermore, there are some outstanding construction activities as part of the Main Street Markham Reconstruction Project that are slated for completion during the spring / early summer of 2014 and these works cannot be obstructed by boulevard patios.

The Council agenda for March 25, 2014 item 6(d), "REPORT NO. 13 - DEVELOPMENT SERVICES COMMITTEE (March 18, 2014)" requests that the report of the Development Services Committee be received & adopted; and Council item 12 includes the amending By-law 2014-37 for enactment.