SUBJECT: Proposed Outdoor Boulevard Café - 171 John Street South (69 Augusta Street), Hamilton (PW08087) - (Ward 2)

RECOMMENDATION:

(a) That the application of the operator of “Gallagher’s Bar and Lounge”, located at 171 John Street South (69 Augusta Street), to erect and maintain an outdoor boulevard café within the Augusta Street road allowance, be approved, subject to the following conditions:

(i) That the applicant and owner enter into an Outdoor Boulevard Café agreement in a form satisfactory to the General Manager, Public Works and the City Solicitor;

(ii) That the applicant pay the appropriate user fee and an annual fee based on 5% of the market value of the City land utilized at such time as the current moratorium end;

(iii) That the applicant provide proof of $5,000,000 public liability insurance, naming the City of Hamilton as an added insured and holding the City harmless from all actions, causes of action, interest, claims, demands, damages, expenses and loss;

(iv) That the applicant adhere to all of the City of Hamilton’s Barrier Free Guidelines;

(v) That the applicant adhere to the City Council approved Technical Specifications for Outdoor Boulevard Cafes;

(vi) That the applicant adheres to the Urban Design Guidelines for Outdoor Boulevard Cafes on Public Property;
(b) That the Boulevard Café Agreement be executed by the General Manager, Public Works or his designate, in accordance with the delegated authority granted by Section 3 of the 3rd Report of the 1999 Finance and Administration Committee, adopted by the former City of Hamilton Council on February 9, 1999.

Scott Stewart, C.E.T.
General Manager
Public Works

**EXECUTIVE SUMMARY:**

The operator of Gallagher’s Bar and Lounge has made application to operate an outdoor boulevard café at 171 John Street South, Hamilton. The location is also known as 69 Augusta Street and the café would be located within the Augusta Street road allowance. Notices were sent to a 400’ radius of the neighbourhood and although there were three comments in opposition, there were many comments in support of the café. Therefore, this Department supports the request.

**BACKGROUND:**

The information/recommendations contained within this report primarily affects Ward 2.

An application has been received from the operator of Gallagher’s Bar and Lounge, located at 171 John Street South (69 Augusta Street) in Hamilton. The proposed café would be situated within the Augusta Street road allowance.

**Notices:**

Notices were sent to a 400’ radius of the neighbourhood and the results are as follows:

- Number Circulated: 177
- In Favour: 6
- Opposed: 3
- No comment: 168

Those opposed were concerned with issues such as increased noise, not enough parking and that there are too many patios in the area.

Those in favour stated that a patio is a welcome addition to the neighbourhood and that the money the applicant has invested in the business has already increased neighbouring property values.

The applicant has also provided a petition with the signatures of 35 people from the neighbourhood who support the proposal.

Notices were sent to public utilities and no negative comments were received.

Notices were circulated to municipal departments and no negative comments were received. Relief has been granted by the Committee of Adjustment from the Zoning By-
law provision which does not permit an outdoor boulevard café on a lot which adjoins a residential district.

**ANALYSIS/RATIONALE:**

As there is another outdoor boulevard café directly across the street from the proposed location and as there is a great deal of community support, this Department is in favour of the application.

**ALTERNATIVES FOR CONSIDERATION:**

The application could be denied, however, the applicant has advised that the success of the business is dependent upon the café being approved.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The applicant has paid the appropriate user fee. At such time as the moratorium on annual fees for patios ends, the current user fee will be applicable.

**POLICIES AFFECTING PROPOSAL:**

Relief has been granted by the Committee of Adjustment from the Zoning By-law provision which prevents the location of outdoor patios where the rear lot line adjoins a residential district.

Approval of the application will fulfill the Public Works Strategic Plan goal of creating mutually beneficial charters with external customers. The applicant will contribute to a more vibrant streetscape in the downtown core and the City will benefit from the increased tax base resulting from a successful business.

**RELEVANT CONSULTATION:**

Notices were circulated to:

Public Utilities: Horizon Utilities, Union Gas, Bell, Hydro One
400’ radius of the neighbourhood
Municipal Departments: Planning and Economic Development, Police Service, Fire, Public Works
Office of the Ward Councillor and Mayor

Ward 2 Councillor Bob Bratina supports the application as the presence of customers in the outdoor area may deter vandalism and theft in the neighbourhood.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

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Outdoor boulevard cafes in the downtown core draw people from various locations to the area. This often results in a spin off effect as those visitors may contribute revenue to several businesses during their visit.
Does the option you are recommending create value across all three bottom lines?

☐ Yes  ☒ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes  ☒ No