SUBJECT: Proposed Outdoor Boulevard Café - 110 King Street West, Hamilton (PW06134) - (Ward 2)

RECOMMENDATION:

(a) That the application of the operator of the “Honest Lawyer” restaurant, to erect and maintain an outdoor boulevard café within the King Street West road allowance abutting Jackson Square, be approved, subject to the following conditions:

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

(ii) That the applicant pays an annual fee based on 5% of the land value of the square footage utilized, at such time as the current moratorium on encroachment fees ends.

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

(iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment etc. be removed from the road allowance at all other times.

(v) That the applicant adheres to the Barrier Free Design Guidelines of the City of Hamilton approved by Council in May of 2006.

(vi) That the location of the boulevard café allows one continuous section of Urban Braille to remain unimpeded.
(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:**

An application was submitted by the proprietor of the “Honest Lawyer” restaurant chain to establish an outdoor boulevard café within the King Street West road allowance, abutting the Robert Thompson building at Jackson Square. As no negative comments were received and as all requirements of the City and the owner, Yale Properties, will be adhered to, this Department supports the request.

**BACKGROUND:**

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

An application has been received from the proprietor of the “Honest Lawyer” restaurant to erect and maintain an outdoor boulevard café on King Street West at the Robert Thompson Building in Jackson Square. The patio will be part of a new restaurant and entertainment establishment which has a successful record in other cities.

Notice was circulated to municipal departments and public utilities and no negative comments were received. The owner of Jackson Square, Yale Properties, is in favour of the café provided the comments they have provided the proprietor are adhered to.

As there have been no negative comments received and as all City guidelines and recommendations of Yale Properties have been adhered to, this Department supports the request.

**ANALYSIS/RATIONALE:**

Notice was circulated to municipal departments, public utilities and Jackson Square for comment.

**ALTERNATIVES FOR CONSIDERATION:**

The application could be denied, however the applicant has requested the patio to enhance the overall success of the business, as they have found in all of their other locations.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The applicant has paid the user fee and will pay the applicable annual fee of 5% of the market value of square footage of City lands used, at such time as the moratorium on encroachment fees ends.

POLICIES AFFECTING PROPOSAL:
The applicant will adhere to the City Council approved Technical Specifications for Outdoor Boulevard Cafes.

RELEVANT CONSULTATION:
The Ward Councillor supports the request. Staff has had several discussions with the applicant and representatives of Jackson Square.

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.

Community Well-Being is enhanced. ☑ Yes ☐ No
Outdoor cafes enhance the streetscape of business districts.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
The new restaurant and outdoor area will attract people to the downtown core with a spin-off effect for other area businesses.

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
LOCATION PLAN

PROPOSED BOULEVARD CAFÉ
110 KING ST. W
“THE HONEST LAWYER RESTAURANT”
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2006-10-12

REFERENCE FILE NO: PW06134