



STAFF REPORT ACTION REQUIRED

Application for Outdoor Boulevard Marketing Display and Encroachment Agreement – 314 Oakwood Avenue

Date:	June 4, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17 - Davenport
Reference Number:	ML&S Folder No. 07-112927 RAW

SUMMARY

To report on an application submitted by the owner(s) to lease an area of approximately 30.32 square metres of the municipal boulevard for the purposes of an outdoor boulevard marketing area to vend seasonal flowers at 314 Oakwood Avenue, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council approve the application for an Encroachment Agreement to lease 30.32 square metres of the municipal boulevard for the purposes of an outdoor boulevard marketing area at the flankage of 314 Oakwood Avenue (abutting Earlsdale Avenue) as indicated on Attachment #1 be approved in accordance with the former City of York Streets By-law 3343-79, as amended, subject to the applicant fulfilling the following conditions:

1. the City Solicitor to be authorized to enter into an encroachment agreement for the proposed encroachment;
2. the applicant to pay all fees associated with the preparation of all agreements, and an annual fee to the City of Toronto for use of the road allowance in the amount of \$25 annual permit fee plus \$5.50 per square metre, plus GST. All fees are subject to change;

3. comply at all times with regulations set out in the former City of York Streets By-law 3343-79, as amended;
4. the signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of Two Million Dollars (\$2,000,000.00) or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
5. the said Certificate of insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment;
6. the applicant operate the boulevard marketing area in compliance with the requirements for Municipal Code, Chapter 591, Noise;
7. the applicant shall obtain construction/street occupation permits on an as needed basis prior to the commencement of any construction of any structures;
8. the applicant receive all necessary clearances from the Right-of-Way Management Section of Transportation services and comply with any conditions identified;
9. the outdoor display of merchandise shall not exceed the measurements in this application, which are approximately 4.52 metres X 6.71 metres, as per Attachment #1.
10. the application shall comply with the Streets By-law under Chapter 1004 of the former City of York Municipal code.

FINANCIAL IMPACT

There are no financial implications resulting from adoption of this report.

ISSUE BACKGROUND

An application has been submitted by the owner of “Bruno’s” to sell seasonal flowers within the road allowance at the flankage of the premises at 314 Oakwood Avenue.

COMMENTS

This application was circulated to Transportation Services and Toronto Fire Services. In addition, the application was also circulated to the applicable utilities having jurisdiction, with no negative responses being received from the utilities.

It should be noted that the applicant has commenced with the marketing of flowers prior to obtaining the necessary approvals, and in some cases, on public property not part of this application. (See Attachments 2 and 3)

CONTACT

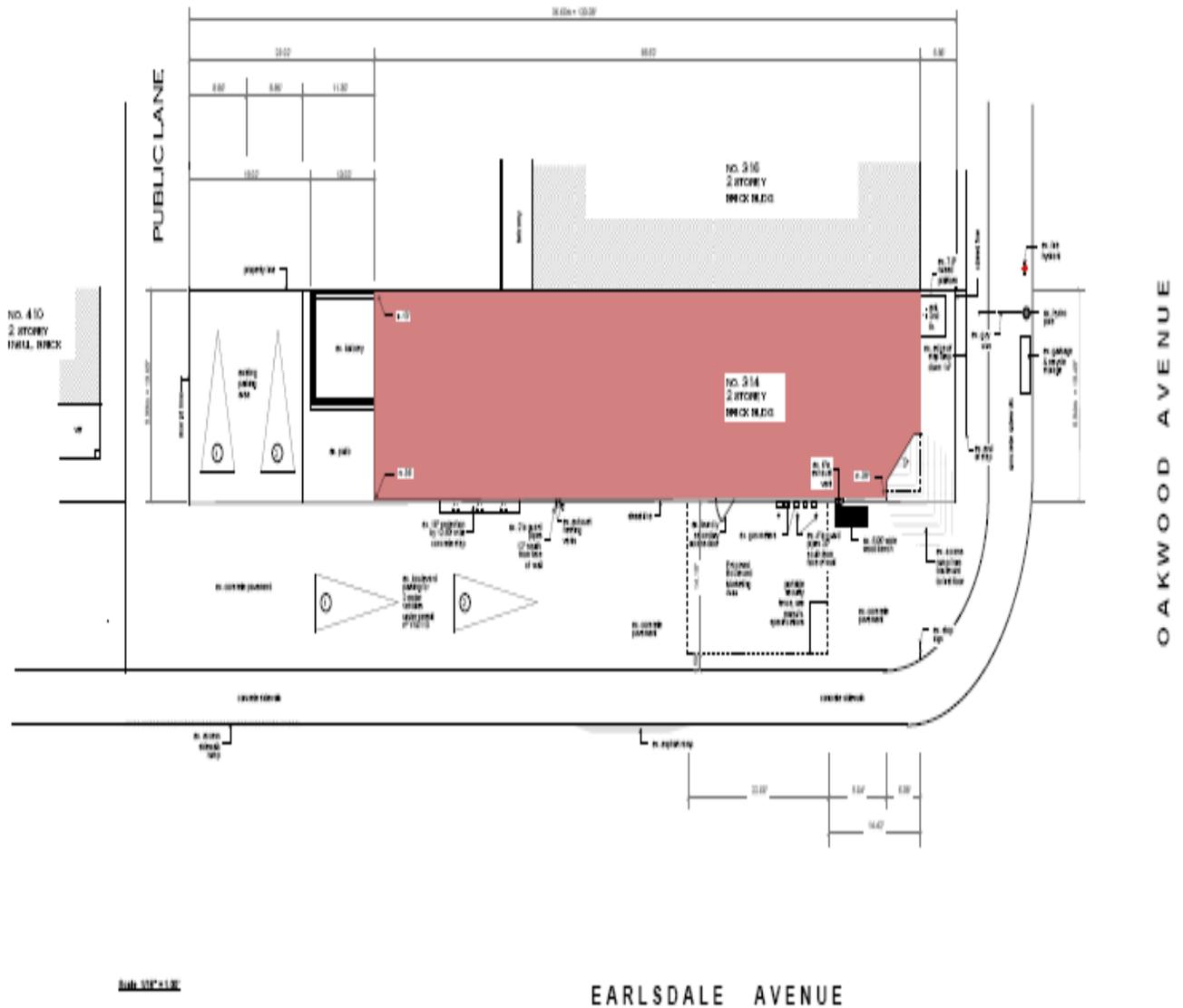
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SIGNATURE

Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

List of Attachments: Attachment #1 - Site Plan
Attachment #2 - Photos of 314 Oakwood Avenue
Attachment #3 - Photos of 314 Oakwood Avenue



Scale: 1/8" = 1'-0"

SEE PLANNING/ENGINEERING DRAWINGS FOR
 PLACE OF MARK FOR CORNER OF LOT 4
 AND FOR MARK FOR LOT 1 AND 2
 CORNER OF LOT 3
 PROPERTY OF CORNER OF LOT 4
 PROPERTY OF CORNER OF LOT 5
 CORNER OF LOT 6
 CORNER OF LOT 7
 CORNER OF LOT 8
 CORNER OF LOT 9
 CORNER OF LOT 10

EARLSDALE AVENUE

Attachment 1: Site Plan of 314 Oakwood Avenue



Photograph # 1 – Showing the marketing of flowers on the Earlsdale Flankage



Photograph # 2 – Showing the Marketing and Boulevard Parking

Attachment 2: Photos of 314 Oakwood Avenue



Photograph # 3 – Showing the Marketing on the Public Road Allowance



Photograph # 4 – Showing Marketing beyond the Proposed Area to be Approved

Attachment 3: Photos of 314 Oakwood Avenue