

**Consolidated Clause in Etobicoke York Community Council Report 7, which was considered by City Council on September 25, 26 and 27, 2006.**

**37**

**Application for a Outdoor Café Encroachment at  
2982 Bloor Street West Big Papa Trattoria Restaurant  
(Ward 5 - Etobicoke-Lakeshore)**

*City Council on September 25, 26 and 27, 2006, adopted this Clause without amendment.*

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**The Etobicoke York Community Council recommends that City Council adopt the staff recommendation in the Recommendations Section of the report (August 28, 2006) from the District Manager, Municipal Licensing and Standards, Etobicoke York District.**

Action taken by the Committee:

The Etobicoke York Community Council requested the District Manager, Municipal Licensing and Standards, Etobicoke York District, to report back to the Etobicoke York Community Council in September 2007, on compliance with the maintenance of the requirement to maintain a minimum unobstructed sidewalk width of 2.0 metres at this location, and at other establishments within the Kingsway BIA that have entered into sidewalk encroachment agreements.

**The Etobicoke York Community Council submits the report (August 28, 2006) from the District Manager, Municipal Licensing and Standards, Etobicoke York District:**

Purpose:

To report on an application to lease 9.87 square metres of the municipal boulevard for the purpose of an Outdoor Café at Big Papa Trattoria Restaurant at 2982 Bloor Street West.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that this application to lease 9.87 square metres, 10.97 metres x 0.9 of a metre of the municipal boulevard as an Outdoor Patio, located on the south side of the property, municipally known as 2982 Bloor Street West, be approved in accordance with the former Municipality of Metropolitan Toronto By-law No. 41-93, as amended, subject to the applicant fulfilling the following conditions upon approval, see (Attachments 1, 2 and 3):

- (1) enter into an Encroachment Agreement with the City of Toronto;
- (2) pay an annual fee to the City of Toronto for the use of the road allowance in the amount of \$11.00 per square metre, plus GST. All fees are subject to change;
- (3) comply at all times with the regulations set out in the former Municipality of Metropolitan Toronto By-law 41-93, as amended;
- (4) provide an annual certificate of insurance evidencing a third party bodily injury and/or property damage insurance in the amount of Two Million Dollars (\$2,000,000.00), or such other coverage and the greater amount as the City of Toronto may require, and naming the City of Toronto as an additional insured party under the policy;
- (5) no music shall be played on the exterior patio and the patio shall be closed no later than 11 p.m., in strict accordance with Chapter 591 of the Toronto Municipal code Noise;
- (6) the application is subject to review by the City Solicitor, for the City of Toronto;
- (7) the outdoor patio is for seasonal use only;
- (8) the applicant is to maintain a minimum unobstructed sidewalk width of 2.0 metres; and
- (9) the patio is boarded by a removable fence that is not anchored to the sidewalk.

Background:

An application has been submitted by the operator of the restaurant known as “Big Papa Trattoria” located at 2982 Bloor Street West to operate an outdoor patio on the south side of the building. The proposed patio occupies 9.87 square metres, 10.97 metres x 0.9 of a metre (36 feet x 3 feet). The proposed patio is to be located on the south side of the building facing onto Bloor Street West, (see Attachments 3, 4, 5, 6, 7 and 9). The application indicates that the patio is to be enclosed by a 1.06 metre (42 inches) high railing anchored to the wall of the building, (see Attachment 8).

Comments:

This application was circulated to Works and Emergency Services, The Toronto Fire Service, Fire Prevention as well as relevant Utility Agencies and no adverse comments were received.

A poll of area residents was conducted within a 60.69 metres (200 feet) radius of the property.

<u>Total number of residents polled</u>	<u>Total responses received in favour</u>	<u>Total responses received</u>
23	1	1

Conclusions:

The application meets the physical criteria for a boulevard café as set out in the former Municipality of Metropolitan Toronto By-law 41-93, as amended.

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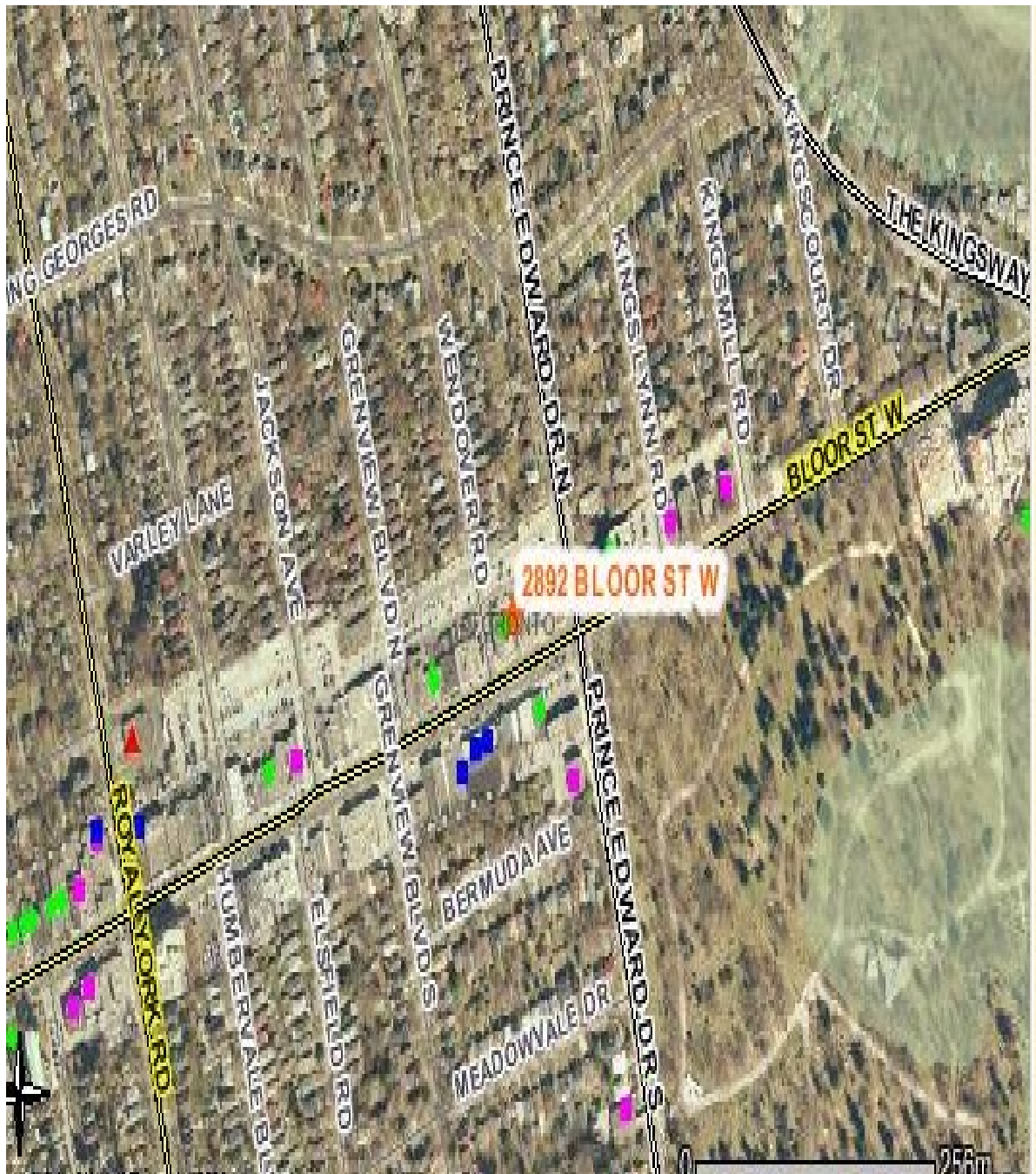
(Attachments 4 to 9, referred to in this report, were forwarded to all Members of the Etobicoke York Community Council with the agenda for its meeting on September 13, 2006, and copies are on file in the City Clerk's Office, Etobicoke Civic Centre.)

The Etobicoke York Community Council also considered the following communications:

- (September 1, 2006) from Agnes Faroci;
- (September 1, 2006) from F. Bumbaca; and
- (September 12, 2006) from Agnes Faroci.

### ATTACHMENT 1

Aerial Photograph of area, showing proximity of 2892 Bloor Street West to Royal York Road.



### ATTACHMENT 2

Close up aerial photograph of 2892 Bloor Street West showing property located on the North side of Bloor street West, East of Wendover Road.







Photograph of Big Papa Trattoria Restaurant located at 2892 Bloor Street West, showing existing patio on left of main entrance and proposed patio on right of main entrance.