

**Outdoor Café Encroachment Request
3373 Bloor Street West**

Date:	June 16, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5, Etobicoke Lakeshore
Reference Number:	ML& S Folder Number 08 117684 RAW 00 IR

SUMMARY

This staff report is in response to an application by the owner of “Orwell’s Pub”, to lease 19.81 square metres of the municipal boulevard for the purpose of an Outdoor Boulevard Café at the front of 3373 Bloor Street West, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Etobicoke York Community Council approves this application on the following conditions:

1. The applicant to enter into an Encroachment Agreement with the City of Toronto.
2. The City Solicitor to be authorized to prepare an Encroachment Agreement.
3. The applicant to pay all fees associated with the preparation and execution of this Agreement, and an annual fee to the City of Toronto for use of the road allowance in the amount of \$11.00 per square metre (subject to change), plus GST.
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 \$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 Certificate of Insurance shall be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment.
6. The boulevard café only to be licensed for seasonal use, between the period of May 1st to October 31st and the railing and patio furniture to be removed from the public road allowance at the end of the season.
7. The applicant to maintain a minimum clear passageway for pedestrians of 2.0 metres and, if required by the Transportation Services and Urban Forestry Services, be responsible to relocate the existing street furniture (including the bicycle rack and planter box) and the tree to the satisfaction of these Divisions.
8. The metal railing surrounding the outdoor patio not to exceed a height of 1.0 metre, measured from the travelled portion of Bloor Street West, and not to be permanently attached to the sidewalk.
9. The applicant to obtain a construction/streets occupation permit and contact Toronto Hydro, Bell Canada and Rogers Cable prior to the commencement of any construction because of the proximity of the proposed patio to their respective services underground.
10. The applicant to operate the boulevard café in compliance with the requirements as stipulated under Toronto Municipal Code, Chapter 591, Noise.
11. The property owner to maintain the boulevard café in good repair and comply at all times with the regulations set out in the former Municipality of Metropolitan Toronto By-law 41-93, as amended.

Financial Impact

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

ISSUE BACKGROUND

An application has been submitted by the owner of “Orwell’s Pub” to operate an Outdoor Café, 9.30 metres wide along the frontage and 2.13 metres deep beyond the front property line, occupying 19.81 square metres within the municipal boulevard at the front of the property at 3373 Bloor Street West (Attachments 1, 2 and 3).

COMMENTS

This application has been circulated to Transportation Services, Toronto Fire Services, Toronto Public Health, as well as the various utility suppliers for comments.

While there were no negative responses received, Toronto Hydro, Bell Canada and Rogers Cable requested special cautions in carrying out the construction work because of the close proximity of the patio to their existing services underground.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Survey
Attachment 2: Site Plan, Elevation and Section
Attachment 3: Photos showing the location of the proposed Outdoor Patio

REF. NO - K. 484

SKETCH of SURVEY of
LOTS 3 & 4 : PLAN 2638
TWP. of ETOBICOKE - YORK

for -
STAPELLS SEWELL
& STAPELLS
112 YONGE STREET
TORONTO
- CHARLES GRIMALDI

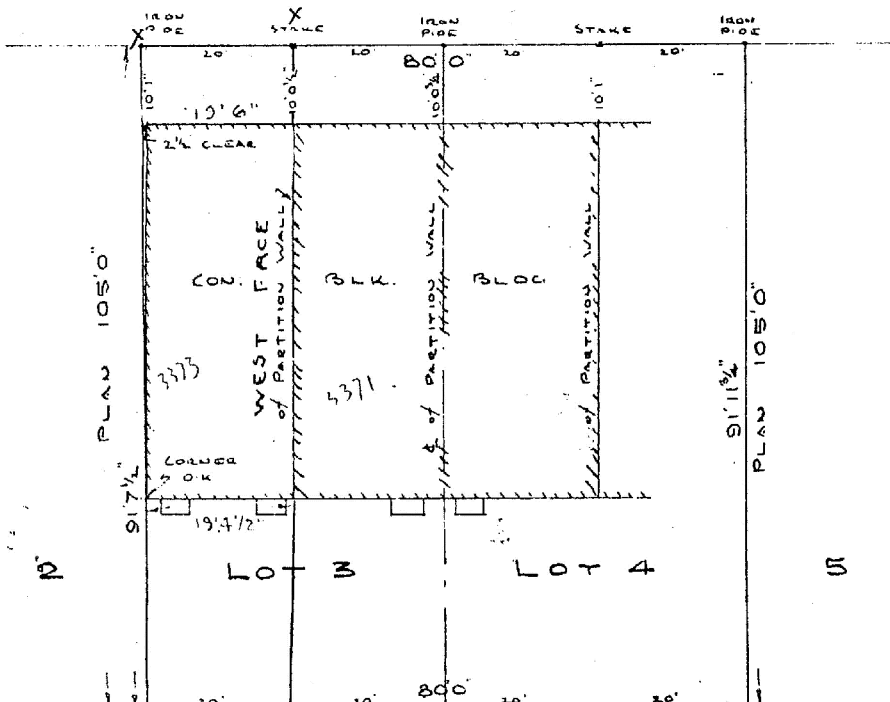
COOK & DUNNING
ONTARIO LAND SURVEYORS

1040A Lakeshore Road at 16th. St.,
NEW TORONTO, ONT. CL. 1-5871

J.R. Wanning OLS
29 JULY 1955

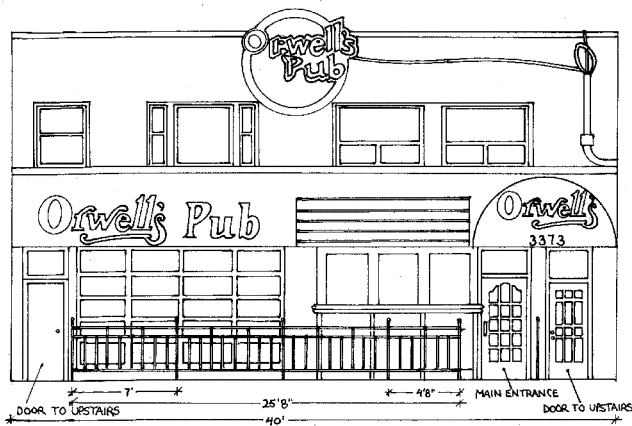
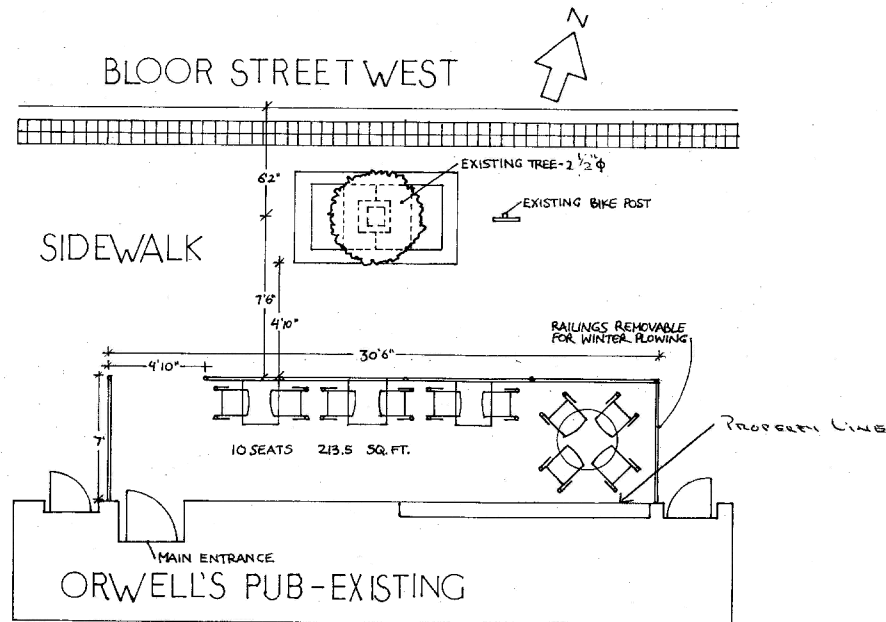
BLOOR STREET

HIGHWAY WIDENING

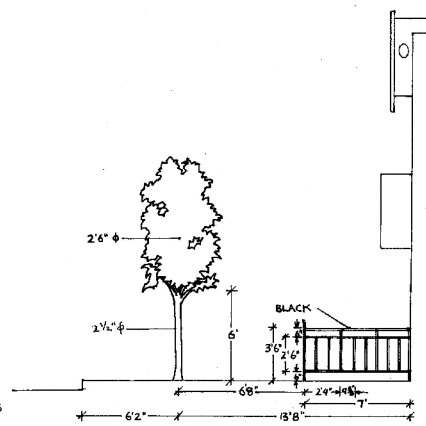


Attachment 1: Site Survey

01 PATIO-PLAN
A 3/16" = 1'-0"



01 PATIO-NORTH ELEVATION
B 3/16" = 1'-0"



02 PATIO-WEST ELEVATION
B 3/16" = 1'-0"

Attachment 2: Site Plan, Elevation and Section



Attachment 3: Photos showing the location of the proposed Outdoor Patio