



## STAFF REPORT ACTION REQUIRED

### Outdoor Café Encroachment Request 3795 Lake Shore Boulevard West

<b>Date:</b>	October 20, 2008
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 6, Etobicoke-Lakeshore
<b>Reference Number:</b>	ML& S Folder Number 08 152656 RAW 00 IR

#### SUMMARY

---

This staff report is in response to an application by the operator of “Fresh Wood Grill”, to lease 38.46 square metres of the municipal boulevard for the purpose of an Outdoor Boulevard Café at the flankage of 3795 Lake Shore Boulevard West on Fortieth Street, 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 1<sup>st</sup> to October 31<sup>st</sup> 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 Fortieth Street, 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. In particular, Bell and Toronto Hydro have indicated some conflicts and/or objections and the applicant must follow outlined procedures and secure approvals from all the utilities involved.
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 operator of “Fresh Wood Grill” to operate an Outdoor Café, 10.97 metres long along the Fortieth Street flankage and 3.35 metres wide along the front property line, occupying 38.46 square metres within the municipal boulevard at the flankage of 3795 Lake Shore Boulevard West on Fortieth Street (Attachments 1, 2).

## **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 two negative responses received, Toronto Hydro and Bell Canada requested special cautions in carrying out the required work and the applicant appears to have acknowledged these circumstances and has either amended the proposal to comply or will seek all the necessary approvals, as requested from the utilities.

Although the current legislation does not require a poll to be taken, ongoing discussions with the Ward Councillor led to letters being sent to property owners within a 120 metre radius requesting comments in favour or opposed to the patio application proceeding. Of the 70 ballots sent, only 6 responses were received opposing the application while 10 were received in favour of the application proceeding.

## **CONTACT**

Italo Joe Luzi, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
Tel: (416)394-8575 Fax: (416)394-2904  
E-mail: [jluzi@toronto.ca](mailto:jluzi@toronto.ca)

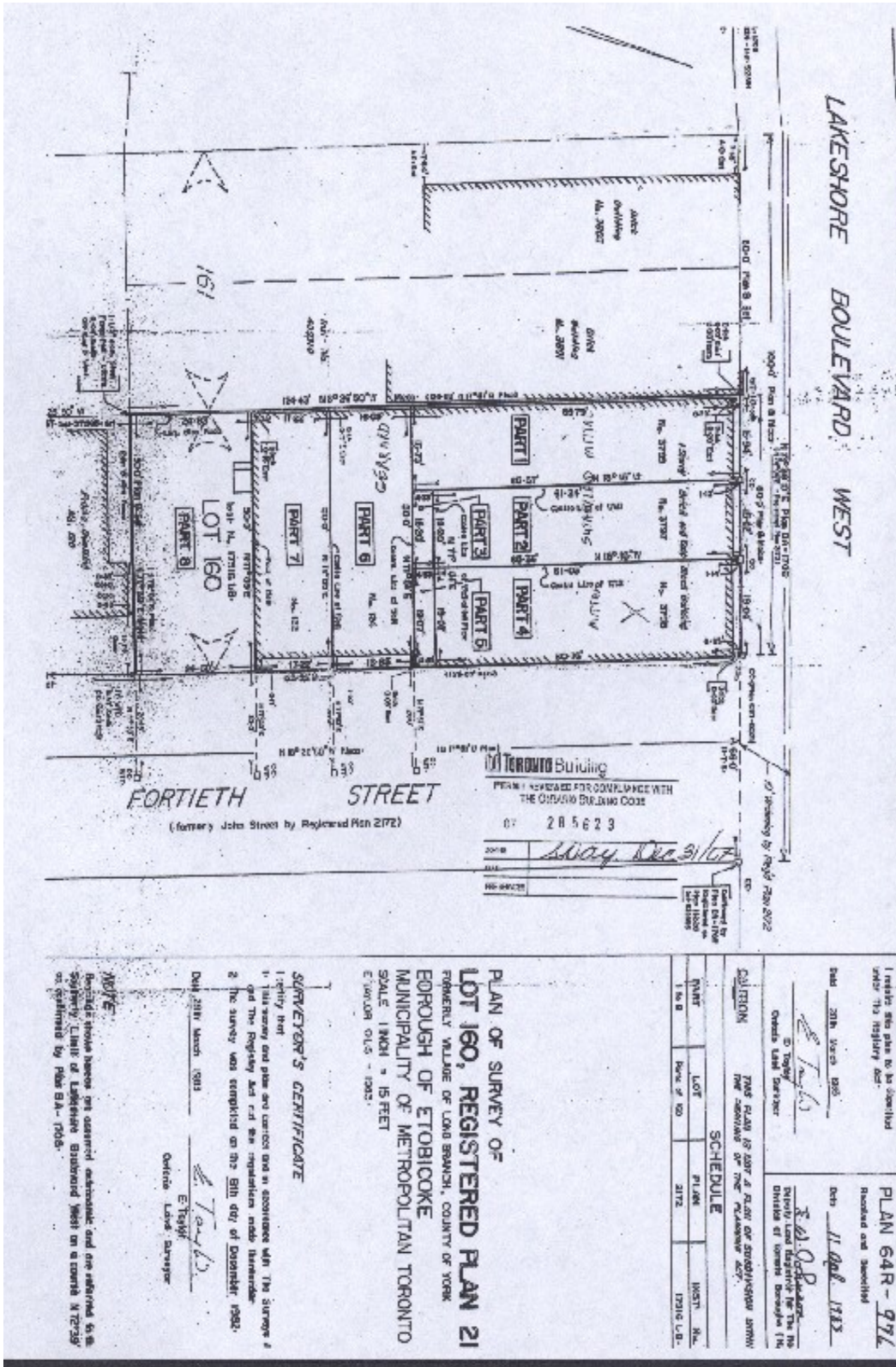
## **SIGNATURE**

---

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

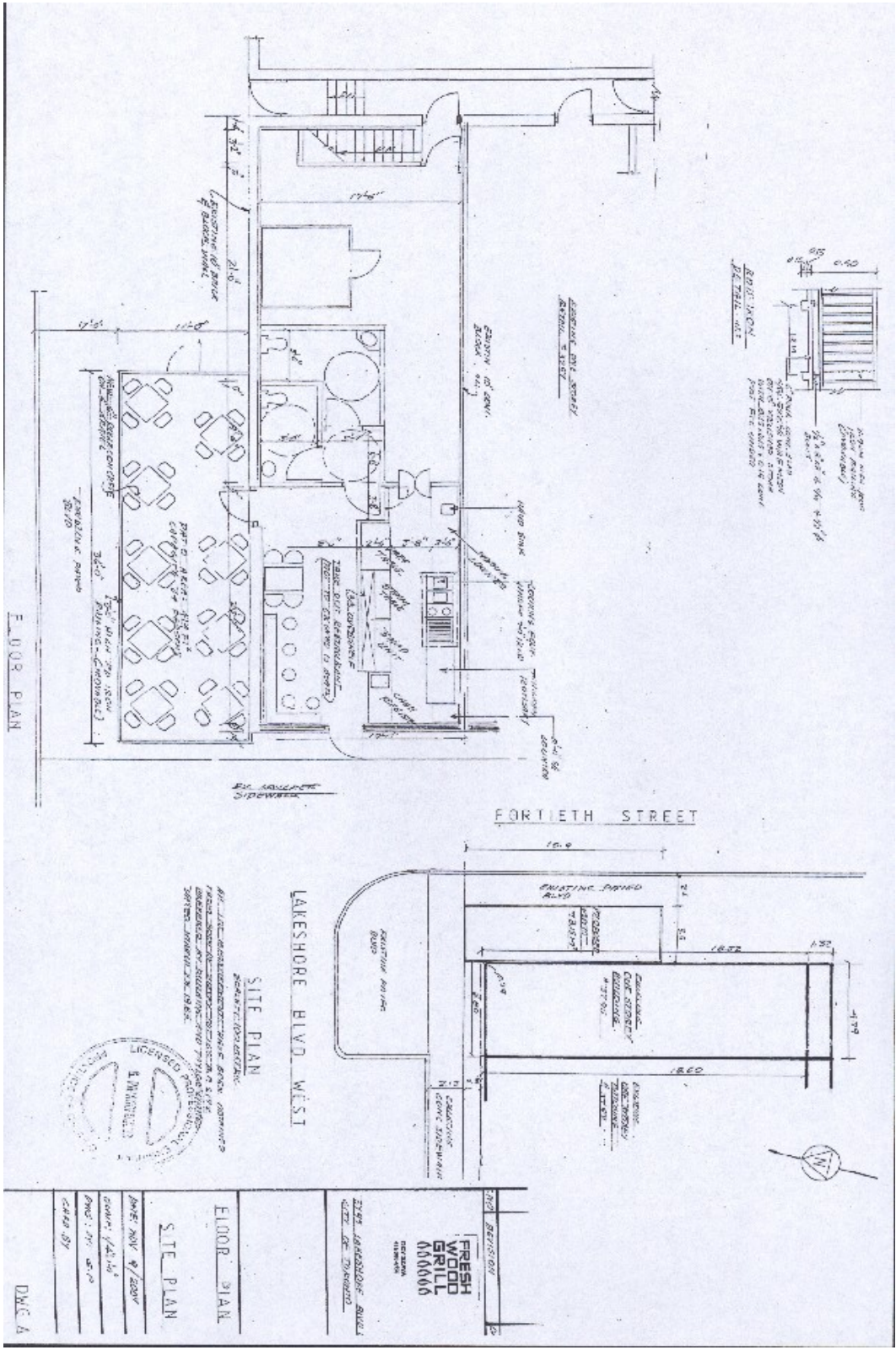
## **ATTACHMENTS**

Attachment 1: Site Survey  
Attachment 2: Site Plan



**Attachment 1: Site Survey**

Staff report for action on Outdoor Café Encroachment Request for 3795 Lake Shore Boulevard West



**Attachment 2: Site Plan, Elevation and Section**

Staff report for action on Outdoor Café Encroachment Request for 3795 Lake Shore Boulevard West