



STAFF REPORT ACTION REQUIRED

Application for Outdoor Patio and Encroachment Agreement – 468 Rogers Road

Date:	December 14, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 12 - York South-Weston
Reference Number:	ML&S Folder No. 06-111788 RAW

SUMMARY

To report on an application submitted by the Pedro Pimentel-Architect for the business operator to lease an area of approximately 29.89 square metres of the municipal boulevard for the purposes of an outdoor patio at 468 Rogers Road, 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 approximately 29.89 square metres of the municipal boulevard for the purposes of an outdoor café/patio at the flankage of 468 Rogers Road (abutting Kane Avenue) as indicated on Attachment 1, subject to the applicant fulfilling the following conditions:

1. the City Solicitor to be authorized to prepare an encroachment agreement for the proposed encroachment;
2. the applicant to pay all fees associated with the preparation of all agreements, and pay 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 Streets By-law 3343-79, as amended, for the former City of York;
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 patio 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, specifically the new side door, porch and stairs;
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 patio shall not exceed the measurements in this application, which are approximately 10.05 metres by 2.97 metres.
10. limit the operation of the patio between the hours of 9 a.m. to 11 p.m., Sunday to Saturday.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

An application has been submitted by Pedro Pimentel-Architect for the business operator to operate a café/patio within the road allowance at the flankage of the premises at 468 Rogers Road. The proposed café/patio is approximately 29.89 square metres as shown in [Attachments 1, and 2], and will operate as part of the “Tropical Sports Bar”.

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.

As the proposed patio application is situated in a residential neighbourhood, a notice of the application was sent to all landowners within a radius of 60 metres of the subject property. The results of the poll indicated 4 negative responses were received.

Polling Summary:

Ballots Casts:	
Opposed	4
In favour	0
No Response	43
Returned by post office	0
Total ballots issued	47

A letter of objection to this application was received May 9, 2006 accompanied by a petition with 93 signatures of local residents. The concerns raised by the residents included: parking issues, inappropriate behaviour towards residents, inappropriate acts on or around the subject property, rubbish being scattered around the residences near the bar, and patrons smoke and drink outside the back entrance abutting Kane Avenue. These issues form the basis for their strong objections to this application.

It was also brought to the attention of this Division that the local Police Services (12 Division) have attended the subject bar on many occasions in connection with the above-referenced community issues and alcohol related matters.

CONTACT

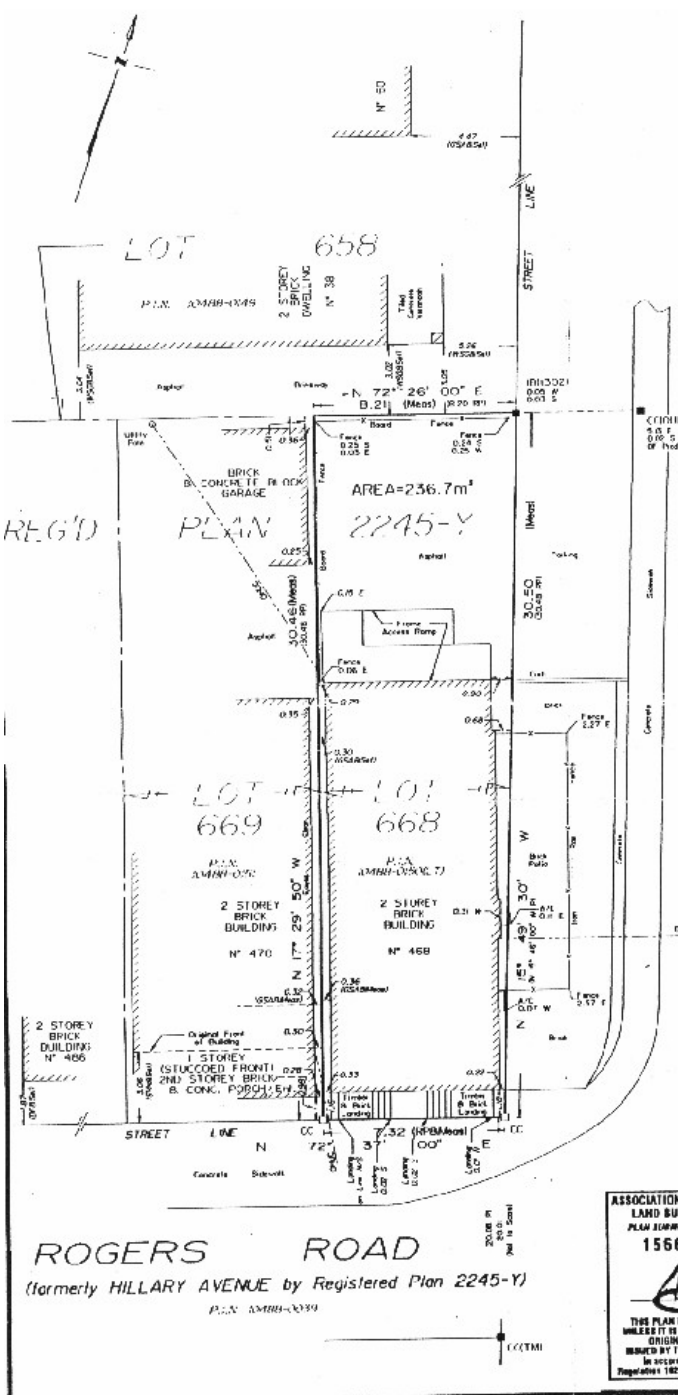
Italo Joe Luzi, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-8575 Fax: 416-394-2904
E-mail: jluzi@toronto.ca

SIGNATURE

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

ATTACHMENTS

List of Attachments: Attachment 1 - Survey of 468 Rogers Road
Attachment 2 - Site Plan of 468 Rogers Road
Attachment 3 - Patio Detail 1
Attachment 4 – Patio Detail 2
Attachment 5 – Patio Detail 3
Attachment 6 – Photos of 468 Rogers Road



SURVEY OF REAL PROPERTY
PLAN OF
LOT 668
REGISTERED PLAN 2245-Y
 CITY OF TORONTO
 (FORMERLY CITY OF YORK)
 SCALE = 1 : 150

NOTE
 1) THIS PLAN MUST BE READ IN CONJUNCTION WITH 2242-Y (REPLANT) DATED AUGUST 22ND, 2005.
 2) THIS PLAN AND REPLY WERE PREPARED FOR PAUL A. DOLAN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

METRIC
 DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE (CONVERTED) TO FEET BY DIVIDING BY 0.3048

KANE AVENUE
 (by Registered Plan 2245-Y)
 P.L.N. AMMB-0339

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BEARING NOTE
 BEARINGS ARE GIVEN AND ARE REFERRED TO THE NORTHERLY LIMIT OF ROGERS ROAD HAVING A BEARING OF N 72° 37' 07" E AS SHOWN ON CITY OF TORONTO P.L. 26-1-121-091.

LEGEND

□	DEFINITE	MONUMENT PLANTED
■	INDUBITANT EVIDENCE	
○	WITNESS	
+	CURT CROSS	
✱	IRON NAIL	
✱	REGISTERED PLAN 2245-Y	
✱	PLAN L-121-091	
P.L.N.	PROPERTY IDENTIFIER NUMBER	
D.F.	D. FAZO, O.L.S.	
G.S.A.	G.S. ARRY, O.L.S.	
S.V.N.	SIEGHT & VAN NOSTRAND, O.L.S.	
W.S.G.	W.S. GIBSON, O.L.S.	
M.	TARASCIO, MARIAN LIMITED, O.L.S.	
G.S.T.	W.F. TARASCIO, O.L.S.	
1302	A. SKRANDA, O.L.S.	
A/C	AIR CONDITIONING UNIT	
O.H.U.C.	OVERHEAD UTILITY CABLES	
O.U.	ORIGIN UNKNOWN	

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON AUGUST 15TH, 2005.

August 23, 2005 *Peter J. Homer*
 DATE _____
 PETER J. HOMER
 Ontario Land Surveyor

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1566922

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1825, Section 2(1)(2).

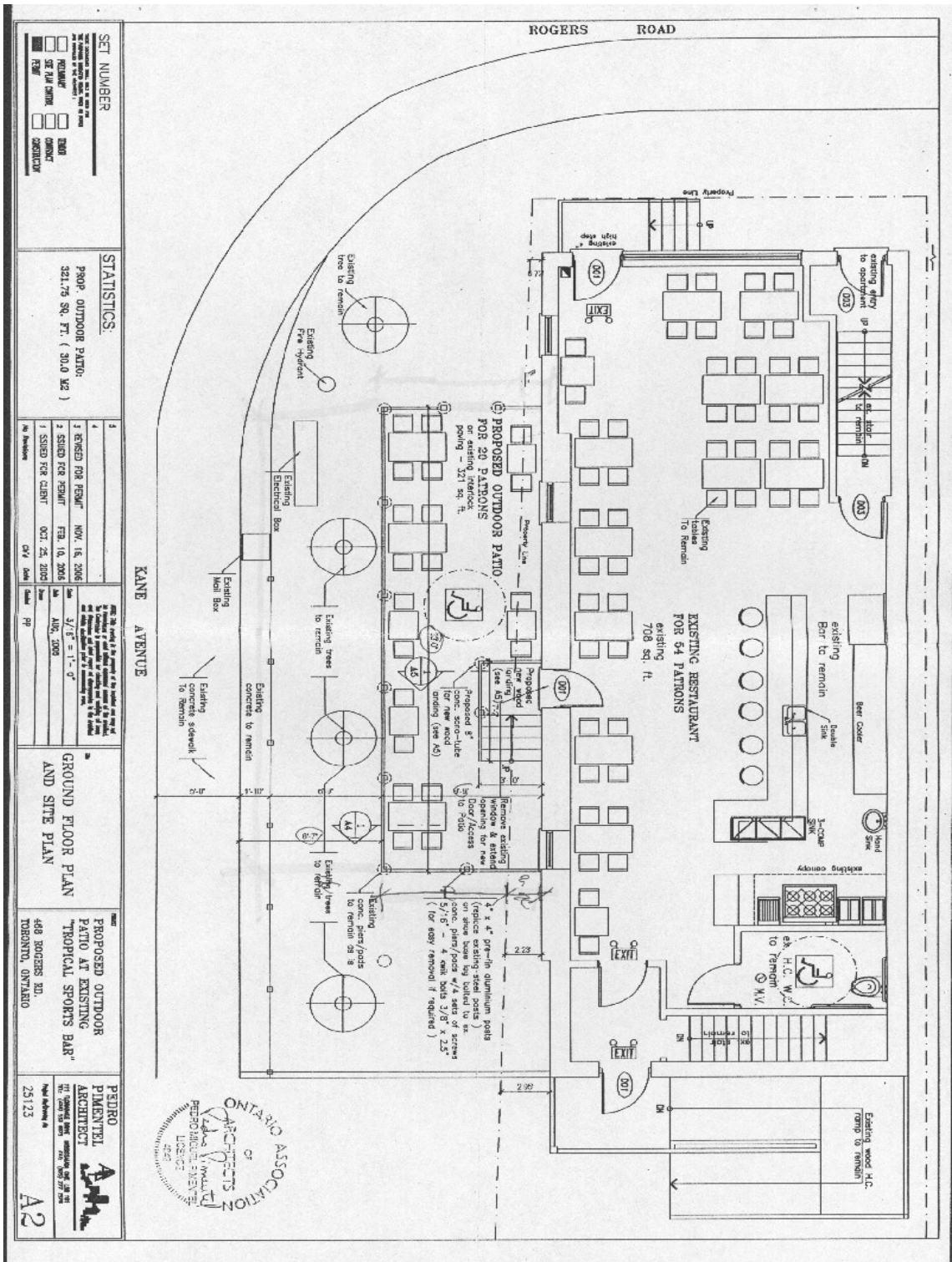
R&C
RABIDEAU & CZERWINSKI
 ONTARIO LAND SURVEYORS
 777 THE QUEENSWAY, UNIT 1, TORONTO, ONTARIO
 M2Z 1N4 (416) 252-2511

DRAWN: V.C. CHECKED BY: P.A.J. PLAN NO.: RCR904

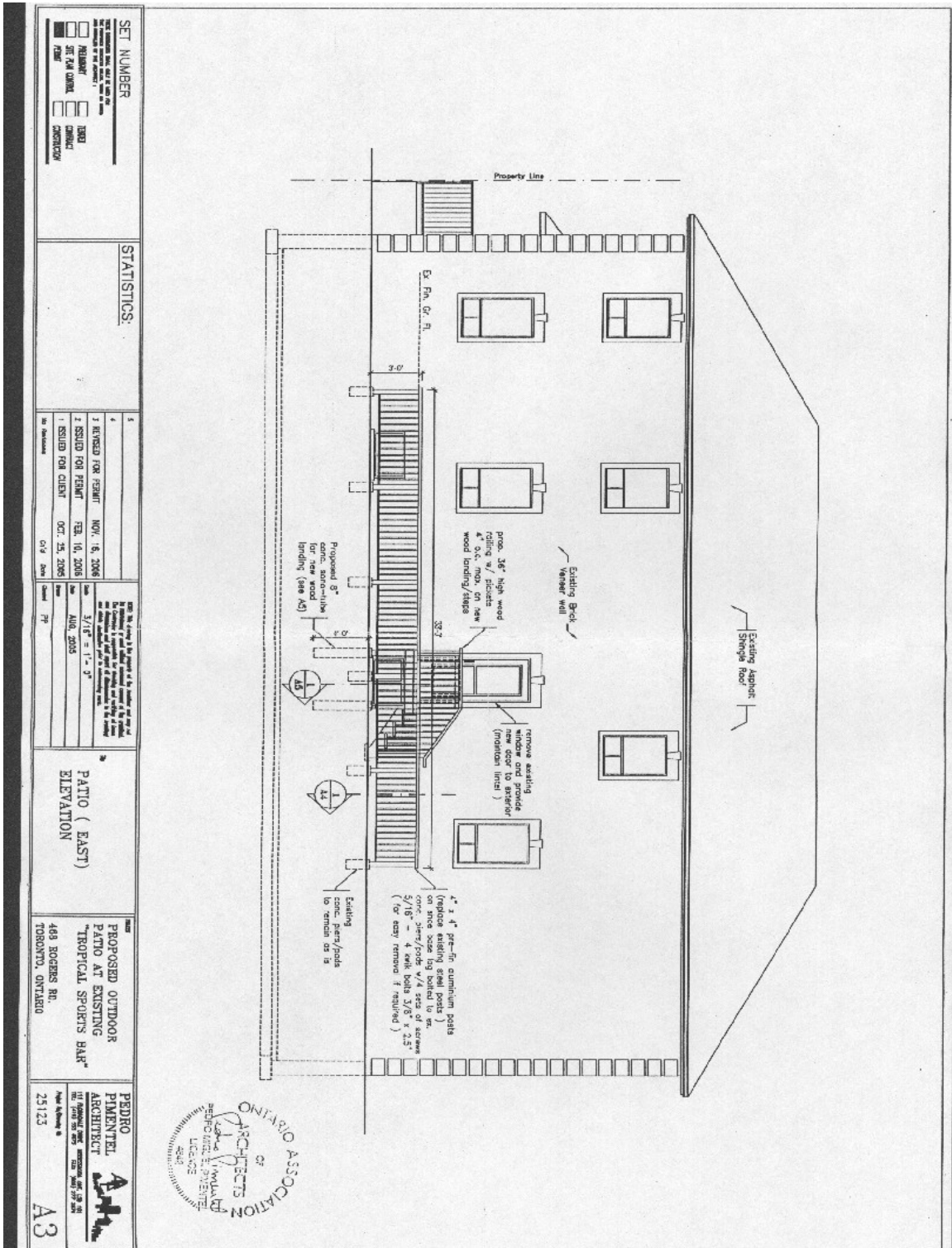
SURVEY PLAN

SET NUMBER THIS SURVEY SET MUST BE USED FOR ALL PURPOSES UNLESS SPECIFICALLY NOTED AS PERMITTED BY THE SURVEYOR. <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL CONTACT	2 REVISED PER PERMIT DEC-11-06 1 ISSUED FOR PERMIT FEB. 10, 2008 No Revisions CBY DSK	PROPOSED OUTDOOR PATIO AT EXISTING "TROPICAL SPORTS BAR"	Page No. 1 of 1
	Scale: 1 : 150 Date: AUG, 2005		

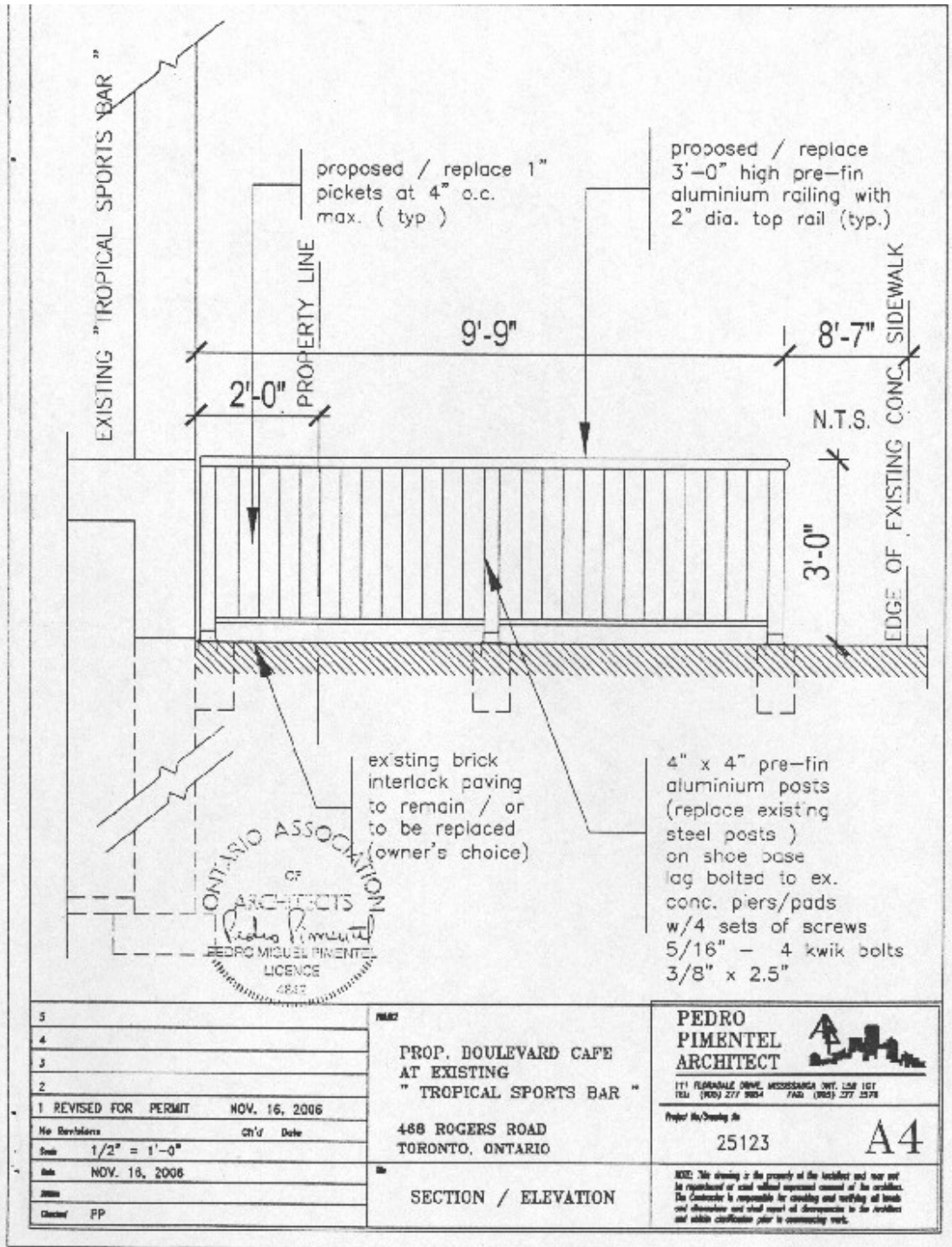
Attachment 1 - Survey of 468 Rogers Road



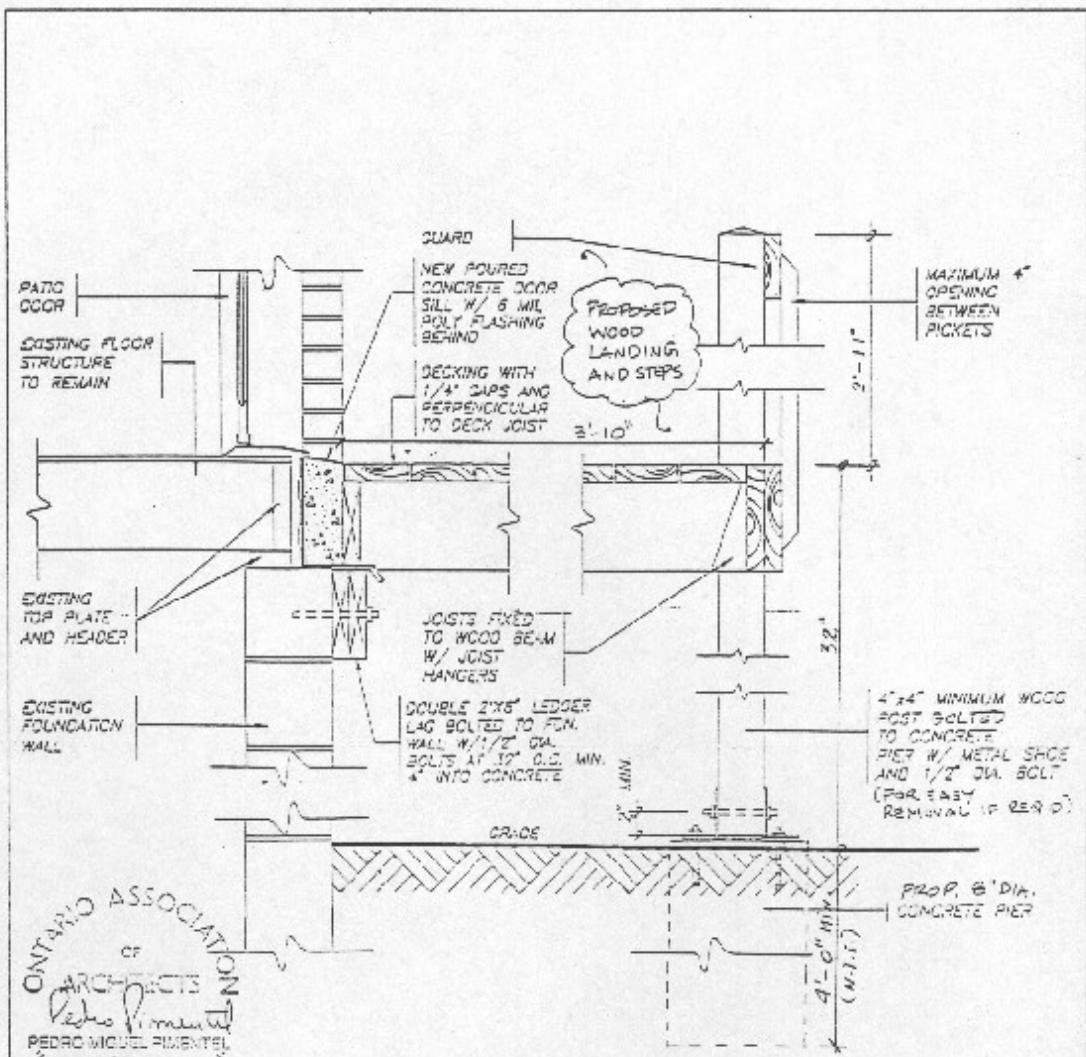
Attachment 2 - Site Plan of 468 Rogers Road



Attachment 3 - Patio Detail 1



Attachment 4 – Patio Detail 2



CROSS SECTION/DETAIL

5		PROJECT	PEDRO PIMENTEL ARCHITECT 111 FLORENCE COURT, WOODBINE, ONT. L4B 1G1 TEL: (905) 277 2654 FAX: (905) 277 2576
4		PROP. BOULEVARD CAFE AT EXISTING "TROPICAL SPORTS BAR"	
3		468 ROGERS ROAD TORONTO, ONTARIO	Project No/Drawing No 25123 A5
2			<small>NOTE: This drawing is the property of the Architect and may not be reproduced or used without approval consent of the architect. The Contractor is responsible for checking and verifying all loads and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.</small>
1	REVISED FOR PERMIT NOV. 16, 2006		
	No Revisions	CM's Date	
	Scale 1" = 1'-0"		
	Date NOV. 16, 2006		
	Drawn		
	Checked PP		

Attachment 5 – Patio Detail 3



Photo of the Kane Avenue flankage



Photo of front elevation and Kane Avenue flankage

Attachment 6 – Photos of 468 Rogers Road