



STAFF REPORT ACTION REQUIRED

Outdoor Café Encroachment Request 3473 Lake Shore Boulevard West

Date:	March 2, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 6, Etobicoke-Lakeshore
Reference Number:	ML&S Folder Number 08-222869 RAW

SUMMARY

This report is in response to an application by the new operators of the business at 3473 Lake Shore Boulevard West, “Kalamata Hospitality Inc.” to transfer the existing Café Licence within the boulevard measuring 36.16 square metres, 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 the Etobicoke York Community Council approve the transfer of the Café Encroachment Agreement on the following conditions:

1. The applicant enters into an Encroachment Agreement with the City of Toronto.
2. The City Solicitor to be authorized to prepare an Encroachment Agreement and the applicant pay all fees associated with the preparation and execution of this Agreement and to pay 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.
3. The signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party injury and property damage insurance in the amount to \$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.

4. The boulevard café 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.
5. The applicant to operate the boulevard Café in compliance with the requirements as stipulated under Toronto Municipal Code, Chapter 591, Noise.
6. The applicant to obtain a construction/street permit prior to commencement of any construction.
7. To use the Boulevard only for the purposes of a Boulevard Café.
8. The property owner/applicant 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.
9. To ensure that no refuse, litter, garbage or loose or objectionable material accumulates in or around the Boulevard Café.

Financial Impact

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

ISSUE BACKGROUND

Toronto City Council on October 29, 30 and 31, 2002 adopted Clause No.13 of Report, No.12 of the Etobicoke York Community Council and authorized the execution of a Licence Agreement on certain terms, Attachments 1A and 1B.

COMMENTS

An application has been received from the new owner of the business at 3473 Lake Shore Boulevard West to transfer the existing Café Licence within the boulevard measuring 36.16 square metres (12.6 metres x 2.87 metres), within the Thirty First Street road allowance. The application was previously approved with conditions. Approval of the application is being recommended with existing conditions and the additional recommendation that the café operate in compliance with the requirements set out in Toronto Municipal Code, Chapter 591, Noise.

CONTACT

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SIGNATURE

Curtis Sealock
District Manager, Municipal Licensing and Standards

ATTACHMENTS

Attachment 1A and B– Council Report Clause No. 13 Report No. 12 of the Etobicoke
Community Council on October 29, 30 and 31, 2002

Attachment 2 – Site Plan Drawing

Attachment 3 – Photo of Café

2002 Council Report

Application for Outdoor Café 1424399 Ontario Ltd. 3473 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)

The Etobicoke Community Council recommends the adoption of the following report (September 27, 2002) from the District Manager, Municipal Licensing and Standards, West District:

Purpose:

To report on an application from 1424399 Ontario Ltd., operating as "Fox and Fiddle", to lease 36.16 square metres of the municipal boulevard for the purposes of an outdoor boulevard patio at 3473 Lake Shore Boulevard West, on the Thirty First Street flankage.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that the application to lease 36.16 square metres (12.6 metres by 2.87 metres) of the municipal boulevard, located at 3473 Lake Shore Boulevard West, Thirty First Street flankage be approved, subject to the applicant fulfilling the following conditions upon approval:

- (1) entering into an Encroachment Agreement with the City of Toronto;
- (2) paying an annual fee to the City of Toronto for use of the road allowance in the amount of \$100.00 per square metre, plus 10 percent;
- (3) providing a certificate of insurance evidencing a third party bodily injury and/or party damage in the amount of \$2,000,00.00, or such other coverage and greater amount as the City of Toronto may require, naming the City of Toronto as an additional insured party under the policy; and
- (4) obtaining a construction/streets occupation permit to the commencement of any construction.

Background:

An application has been submitted by Mr. George Papadopoulos on behalf of 1424399 Ontario Ltd., and operating as "Fox and Fiddle", to operate an outdoor patio café within the Thirty First Street road allowance. Attachments Nos. 1 and 2 indicate café location and area map, respectively.

Attachment 1A

2002 Council Report

This application meets the criteria for a boulevard café as set out in the former Metro By-law No. 41-93, as amended. The application was circulated to all relevant departments and utilities, with no objections being received.

Conclusions:

Given this application meets the physical criteria for a boulevard café as set out in former Metro By-law No. 41-93, as amended, we recommend this location be approved for the issuance of a Boulevard Café Licence.

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(A copy of each of Attachments Nos. 1 and 2, referred to in the foregoing report, was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on October 16, 2002, and a copy of each is on file in the City Clerk's Office, Etobicoke Civic Centre.)

Attachment 1B

Photo of Café



Attachment 3