



## STAFF REPORT ACTION REQUIRED

### Outdoor Café Encroachment Request 350-352 Oakwood Avenue

<b>Date:</b>	May 20, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 17, Davenport
<b>Reference Number:</b>	ML&S Folder Number 09-125947 RAW

#### SUMMARY

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This report is in response to an application by Barry Goldman, Architect, on behalf of the owners of the business at 350-352 Oakwood Avenue to lease 19.35 square metres of the City Boulevard to operate a Boulevard Café, 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 approve the Café Encroachment Agreement application with 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 to pay all fees associated with the preparation and execution of this Agreement and applicant to pay an annual fee of \$25.00 plus \$5.50 per square metre, plus G.S.T. Fees are subject to change.
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 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.

4. The Boulevard Café 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.
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 commencing any construction.
7. The applicant to maintain the Boulevard Café in good repair and comply at all times with the regulations set out in the former City of York, Streets By-law 3343-79, as amended.
8. The applicant to ensure that no refuse, litter, garbage or loose or objectionable material accumulates in or about the Boulevard.
9. The applicant to relocate the bicycle post to maintain 2.1 metres clearance between café fencing and curb and the operator to be responsible for costs of relocation.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

An application has been received from Barry Goldman, Architect on behalf of the business operator at 350-352 Oakwood Avenue, to lease 19.35 square metres (10.46 metres by 1.85 metres) of the City Boulevard for the purpose of a boulevard café.

### **COMMENTS**

This application was circulated to various departments and utilities with no negative responses being received.

Transportation Services is requesting that applicant be responsible to relocate the bicycle stand to provide 2.1 clear travel distance between the café railing and the curb. In addition, the applicant is required to contact utilities for location of the underground systems prior to construction.

## **CONTACT**

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## **SIGNATURE**

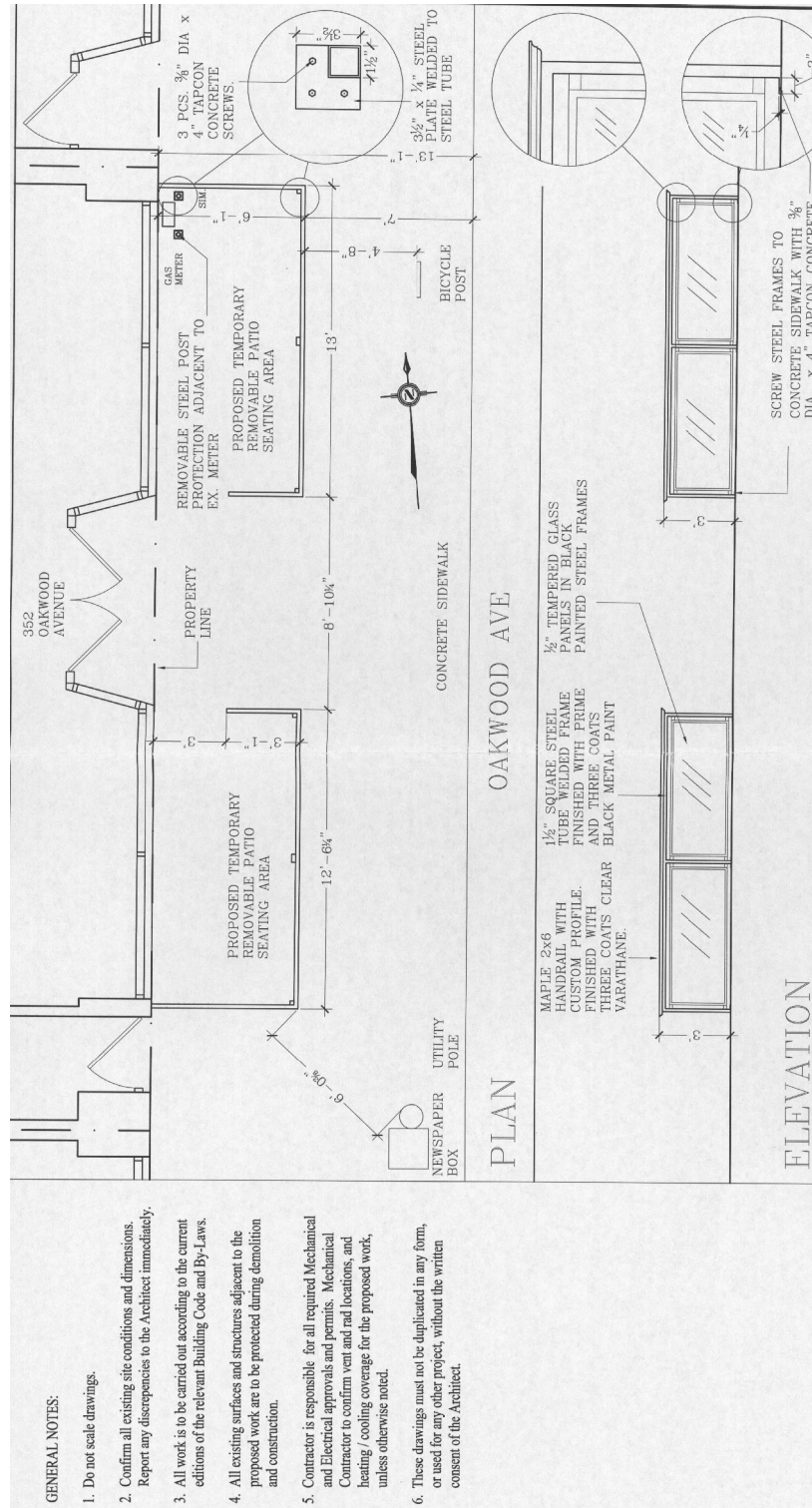
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Curtis Sealock, District Manager

## **ATTACHMENTS**

Attachment 1: Construction details

## Construction Details



## Attachment 1