



STAFF REPORT ACTION REQUIRED

Application for an Outdoor Boulevard Café 434 Rogers Road

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| Date: | October 19, 2009 |
| 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. 09-129431 RAW |

SUMMARY

To report on an application submitted by the owner of “19th Hole Sports Bar & Grill Inc.” to operate an Outdoor Boulevard Café within a currently existing fenced patio, which measures 5.49 metres wide and 2.74 metres deep, at the front of 434 Rogers Road. The patio occupies an area of 15.05 square metres on the municipal boulevard.

Etobicoke York Community Council has delegated authority from the City Council to make a final decision on this matter.

RECOMMENDATIONS

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

1. The City Solicitor to be authorized to prepare an encroachment agreement for the existing encroachment.
2. The owner to pay all fees associated with the preparation of the agreement and an annual fee of \$5.50 per square metre plus \$25.00, plus G.S.T.; fees are subject to change.
3. The signed agreement to be returned to the City of Toronto 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.

4. The 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.
5. The outdoor boulevard café only to be licensed for seasonal use, between the period of May 1st to October 31st and the patio furniture and fence to be removed from the municipal boulevard at the end of the season.
6. No barbeques are allowed in the outdoor patio area.
7. The owner to operate the Outdoor Boulevard Café in strict compliance with the requirements of the Toronto Municipal Code, Chapter 591, Noise, and no audio or video equipment to be allowed at the outdoor patio area.
8. The owner to obtain the necessary permits for any signs installed or to be installed on the façade of the building, and remove any signs, including the existing banner sign at roof level, that do not have a permit, by November 30, 2009.
9. The 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

The owner has made an application to operate an Outdoor Boulevard Café within a currently existing fenced patio, which measures 5.49 metres wide and 2.74 metres deep, at the front of 434 Rogers Road. The patio occupies an area of 15.05 square metres on the municipal boulevard (Attachments 1 and 2).

COMMENTS

This application was circulated to various city divisions and utilities, where no adverse comments were received other than the prohibition of barbeques within the outdoor patio.

CONTACT

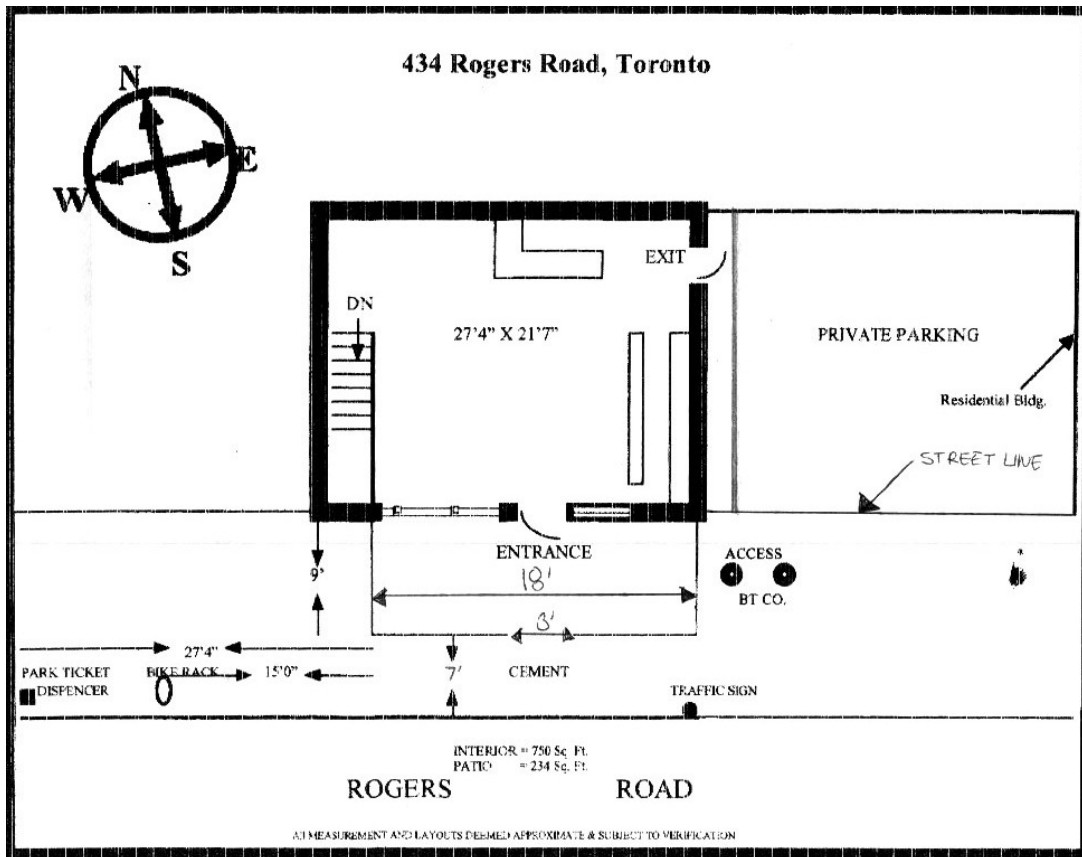
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SIGNATURE

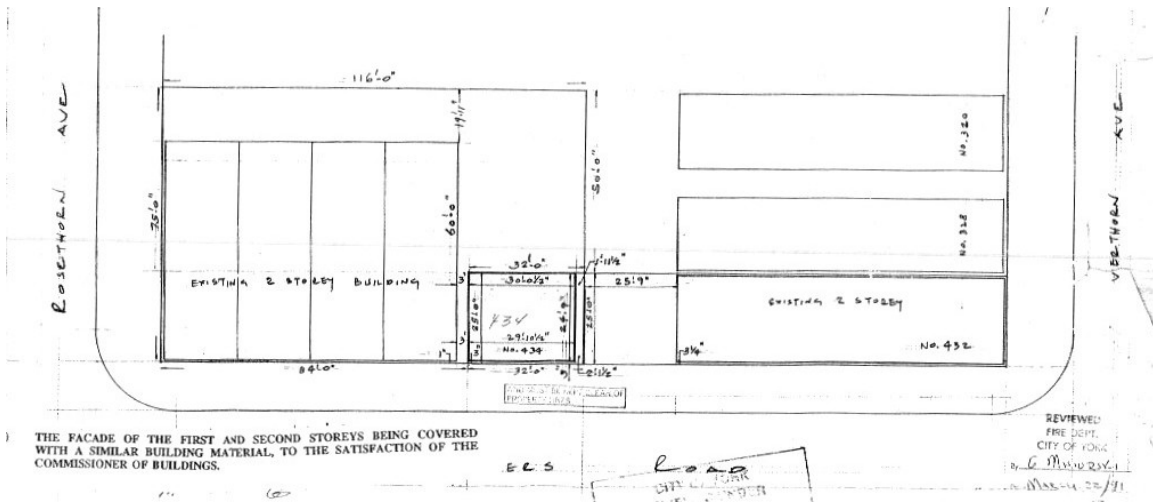
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

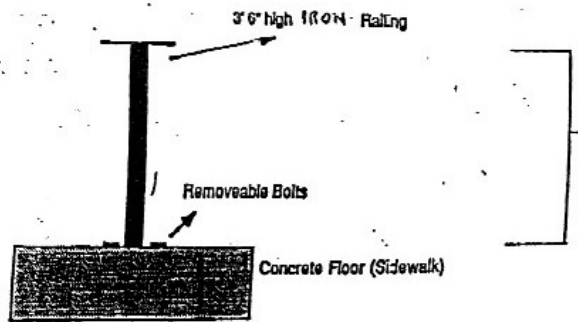
Attachment 1: Patio Plan and Photograph showing the Front Elevation
Attachment 2: Site Plan and Fence Detail



Attachment 1: Patio Plan and Front Elevation

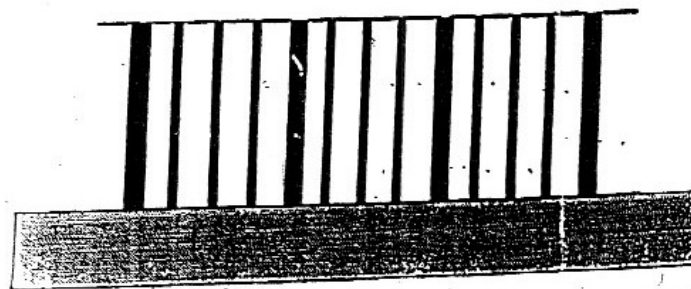


SIDE VIEW



FRONT VIEW

NOTE: IRON Railing Fasten REMOVEABLE BOLTS



NOTE: IRON Fence is removable due to the removable bolts

Scale
1/2" = 1'

Attachment 2: Site Plan and Fence Detail