



STAFF REPORT INFORMATION ONLY

Outdoor Café at 3795 Lake Shore Boulevard West

Date:	October 20, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 6, Etobicoke – Lakeshore
Reference Number:	Municipal Licensing and Standards Folder Number 08-152656 RAW 00 IR

SUMMARY

This report provides a status update on the operation of the “Fresh Wood Grill” as well as the Outdoor Boulevard Café at the flankage of 3795 Lake Shore Boulevard West on Fortieth Street, and any issues or complaints from the Community.

FINANCIAL IMPLICATIONS

There are no financial implications.

ISSUE BACKGROUND

In its meeting held on November 18, 2008, the Etobicoke York Community Council approved the application submitted 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 (Attachment 1), 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 1st to October 31st 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.
12. The conditions for issuing the licence include the recommendations of staff, as well as restrictions on the hours of operation of the café, specifically that it not operate after 10:00 p.m.
13. The restrictions be in place for a period of one-year, pending a staff report on the operation of the café and any resulting issues or complaints from the community.

This report is prepared in response to Condition Number 13 of the approval granted by the Etobicoke York Community Council.

Links to Background Information

October 20, 2008 report

<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-16366.pdf>

November 18, 2008 Etobicoke York Community Council Decision, Item EY21.13:

<http://www.toronto.ca/legdocs/mmis/2008/ey/decisions/2008-11-18-ey21-dd.pdf>

COMMENTS

Since the Outdoor Boulevard Café was approved by Etobicoke York Community Council on November 18, 2009, neither Municipal Licensing and Standards nor the local Councillor have received any complaints from the Community against the business operation at this location. However, recent site inspection revealed graffiti on the east wall, which is in violation of the Graffiti By-law and requires cleaning up. Also, the area south of the open café on the City boulevard, where it is screened from the open café with a wooden fence, is being used for garbage storage without approval (Attachment 2). The wood fence will have to be removed and the garbage storage area relocated to private property.

Toronto Public Health has reported some food safety issues with this licensed restaurant. On September 9, 2009 and September 11, 2009, there were consecutive Conditional Passes issued to the operator. On September 22, 2009, another Conditional Pass was issued and charges are pending. While the Public Health Inspectors are actively working with the operator to resolve these matters, the premises does have a Pass inspection posted at present. As a result of the food safety history, Toronto Public Health may be referring the premises to the Licence Tribunal at a later date. The business licence is valid until September 19, 2010.

CONTACT

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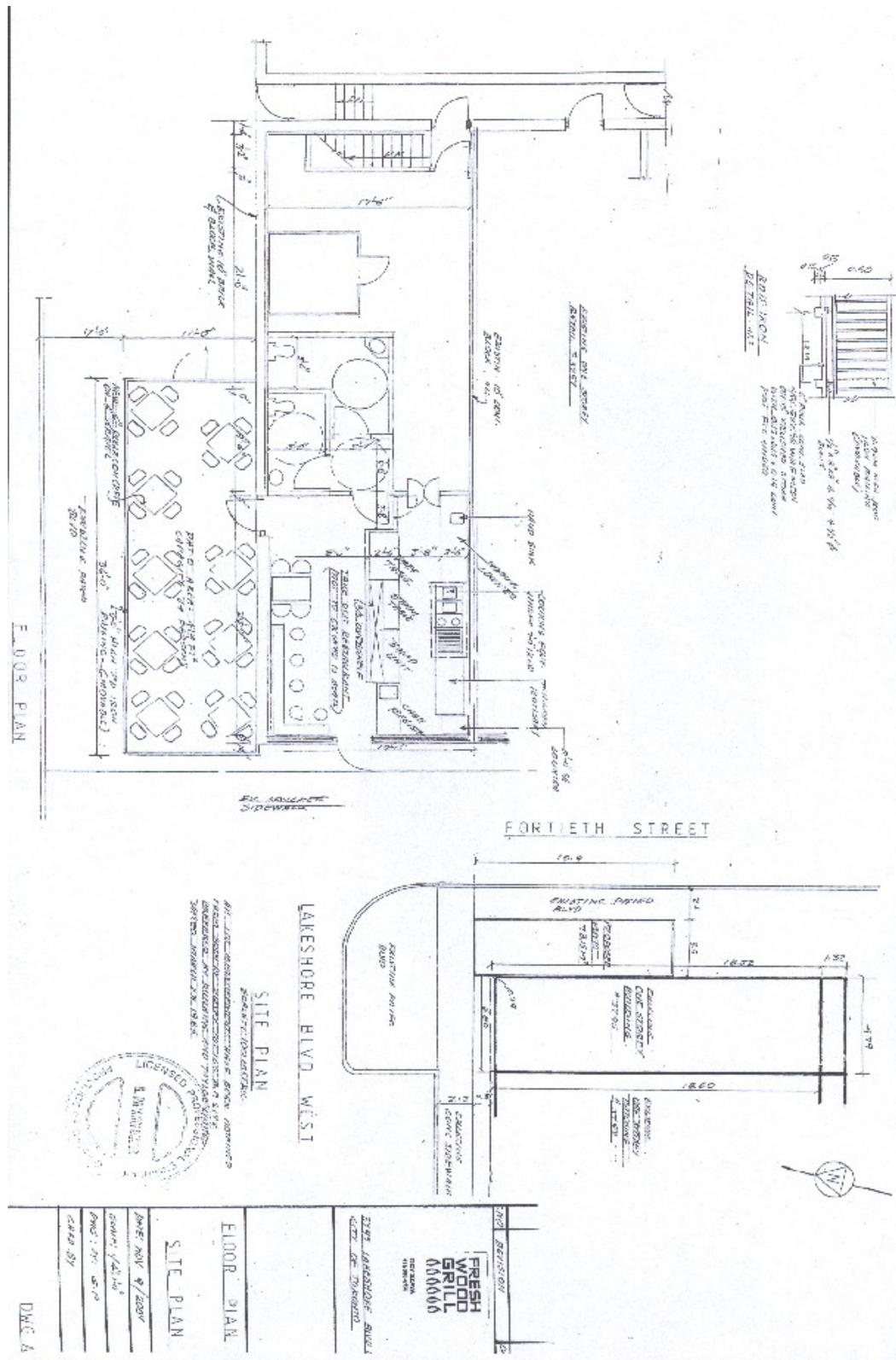
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Photos showing the East Wall and Building Exterior





Above: Graffiti found on the East Wall of the Building
Below: City Boulevard being used as a Garbage Storage Area



Attachment 2: Photos showing the Open Boulevard Café and Building Exterior