

Extract of Item EY21.13 of the Etobicoke York Community Council meeting held on November 18, 2008.

Other Items Considered by the Community Council

(The Community Council is authorized to take certain actions without Council's approval.)

EY21.13	ACTION		Delegated	Ward: 6
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Outdoor Café Encroachment Request - 3795 Lake Shore Boulevard West

Committee Recommendations

The Etobicoke York Community Council approved this application 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.

Origin

(October 20, 2008) Report from District Manager, Municipal Licensing and Standards

Summary

This staff report is in response to an application 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.

Background Information

October 20, 2008 report

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