



**STAFF REPORT
ACTION REQUIRED**

**Application for an Outdoor Boulevard Café
5555 Eglinton Avenue West**

Date:	October 14, 2011
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 3 – Etobicoke Centre
Reference Number:	ML&S Folder No. 11-177762 RAW

SUMMARY

This report is in regard to an application submitted by the owner of “Fiamma Ristorante” to operate an Outdoor Boulevard Café at the southern flankage of 5555 Eglinton Avenue West, where part of the patio occupying an area of 23 square metres is encroaching on Rakely Court road allowance.

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 to operate an Outdoor Boulevard Café at the southern flankage of 5555 Eglinton Avenue West that encroaches on Rakely Court road allowance, on the following conditions:

1. The City Solicitor to be authorized to prepare an encroachment agreement for the existing encroachment.
2. 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.

3. The owner to pay all fees associated with the preparation of the agreement and pays an annual fee of \$11.00 per square metre, plus G.S.T.; fees are subject to change.
4. No audio or video equipment shall be allowed at the Outdoor Boulevard Café.
5. The applicant to operate the Outdoor Boulevard Café in strict compliance with the requirements of the Toronto Municipal Code, Chapter 591, Noise.
6. The owner to obtain the necessary street permit.
7. The owner to maintain the boulevard café in good repair and comply at all times with the regulations set out in Etobicoke Municipal Code, Chapter 231, Streets and Sidewalks.

Financial Impact

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

ISSUE BACKGROUND

The subject restaurant, Fiamma Ristorante, is situated at the southern entrance to the commercial plaza located at 5555 Eglinton Avenue West. Part of the patio located on the south side of this restaurant, covering an area of 23 square metres, is encroaching on Rakely Court road allowance and as such, an application for an Outdoor Boulevard Cafe is required to maintain its operation (Attachments 1, 2, 3 and 4).

COMMENTS

This application was circulated to various city Divisions and utilities, where no adverse comments were received.

CONTACT

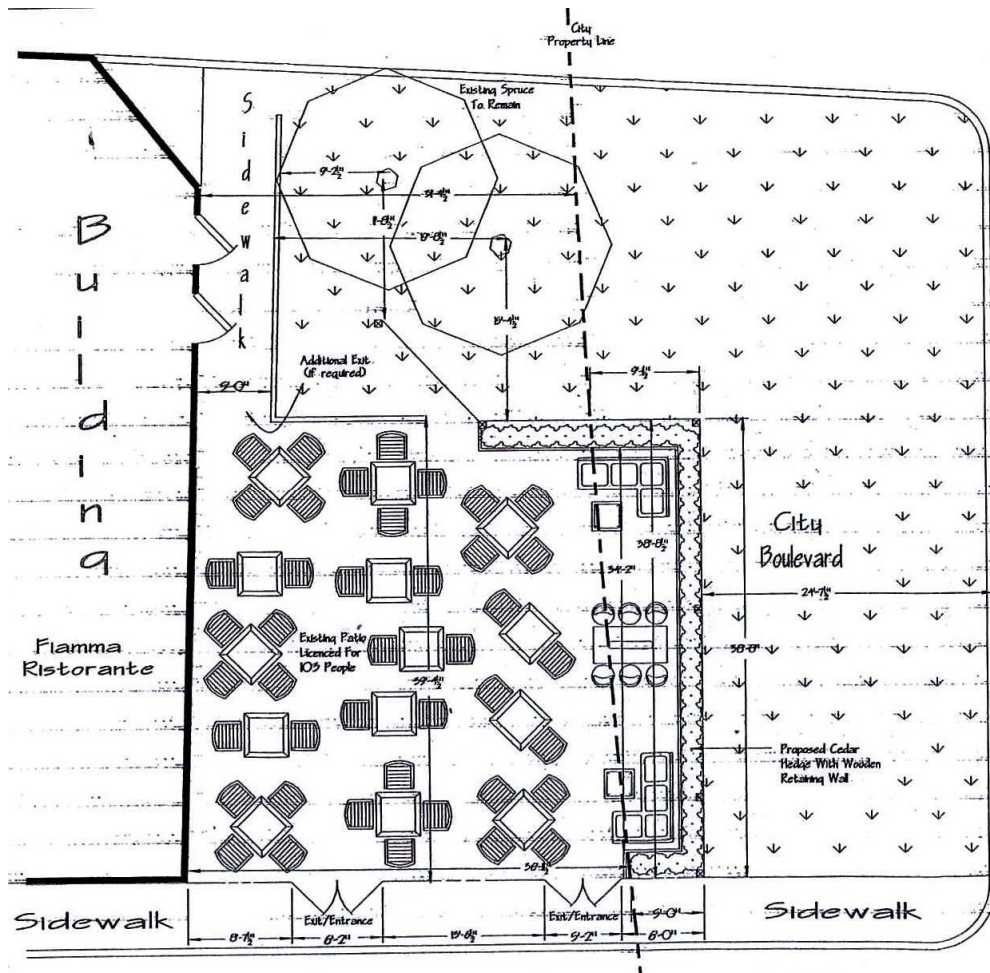
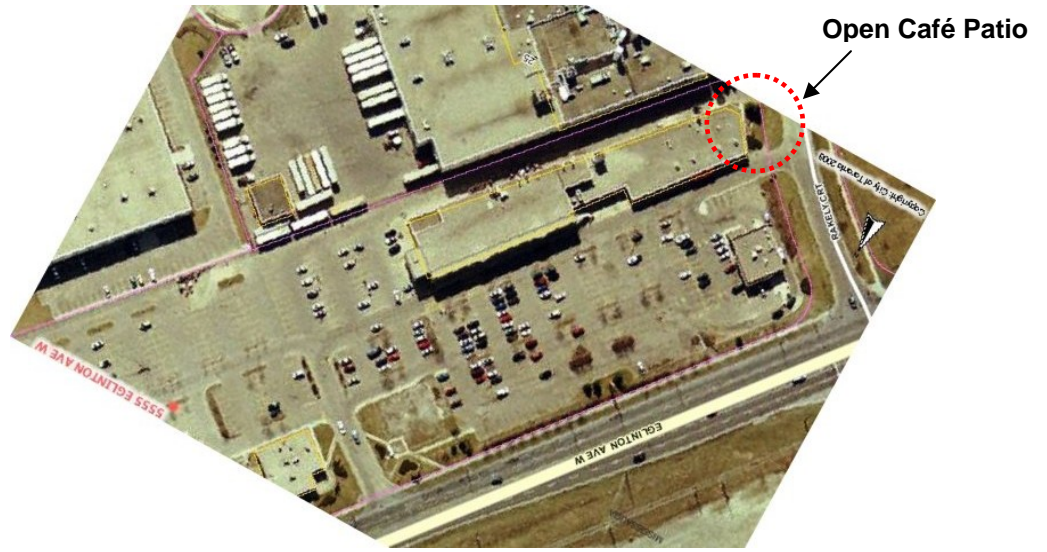
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SIGNATURE

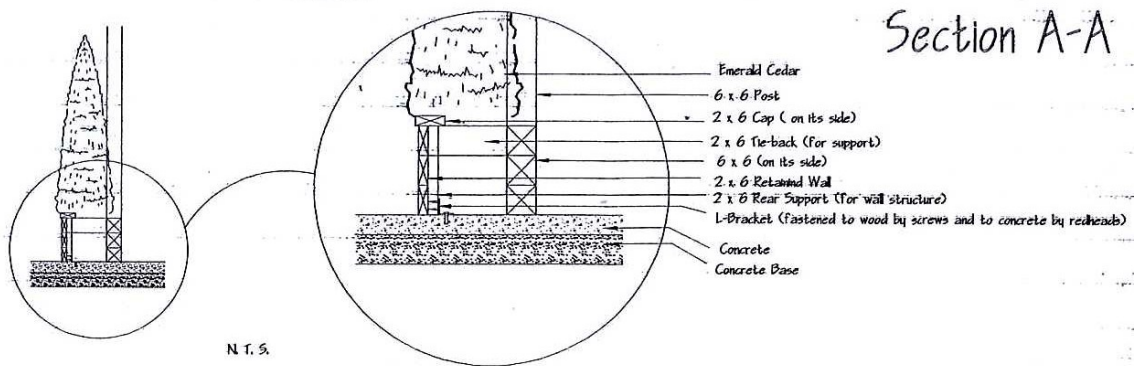
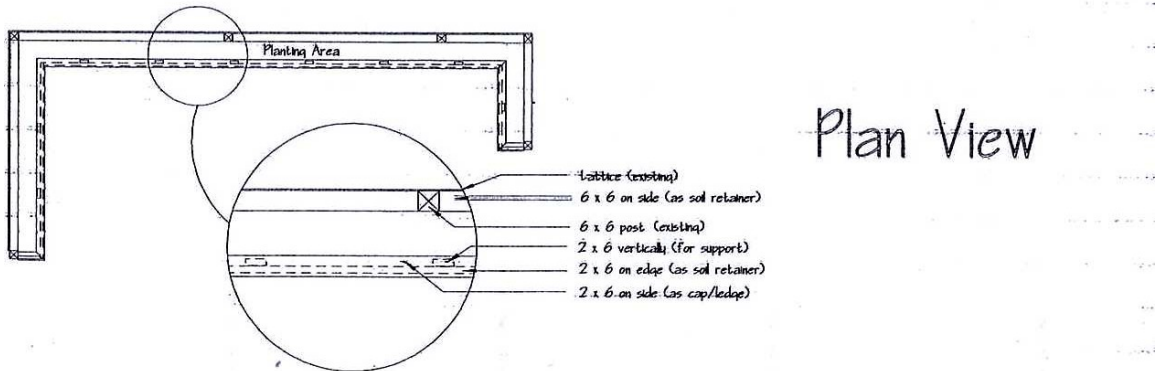
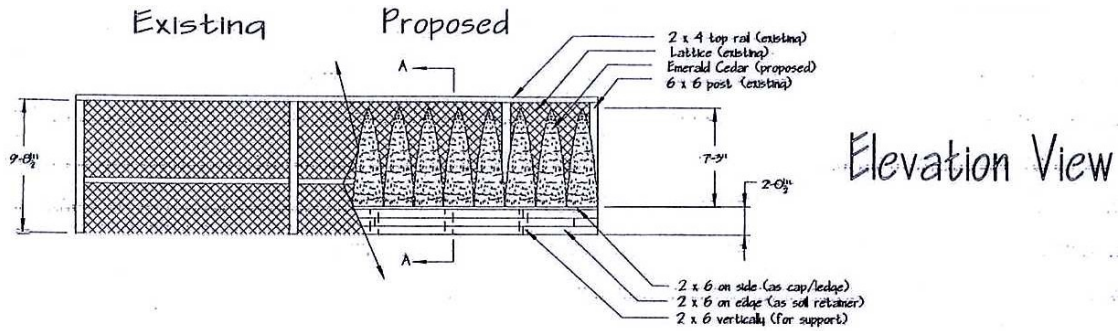
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

- Attachment 1: Property Survey
- Attachment 2: Plan showing the Open Café Patio and Encroachment
- Attachment 3: Construction Details
- Attachment 4: Photos showing the Open Café Patio and the Encroachment



Attachment 2: Plan showing the Open Café Patio and Encroachment



Attachment 3: Construction Details



Attachment 4: Photos showing the Open Café Patio and the Encroachment