Application for an Outdoor Café
3453 Lake Shore Boulevard West

Date: July 18, 2014
To: Etobicoke York Community Council
From: Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards: Ward 6, Etobicoke Lake Shore Boulevard West
Reference Number: Municipal Licensing and Standards, Folder No. 14 147607 RAW

SUMMARY

This staff report is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner / operator of 850 Degrees Incorporated to encroach into the Lake Shore Boulevard West road allowance fronting the property for the purposes of operation as seasonal boulevard café.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council:

1. Refuse the application for a boulevard café within the Lake Shore Boulevard West road allowance adjoining 3453 Lake Shore Boulevard West.

Financial Impact

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

ISSUE BACKGROUND

An application was submitted by Siobhan Chambers as the operator / owner of 850 Degrees (Pizzeria) Incorporated, located at 3453 Lake Shore Boulevard West to operate an outdoor boulevard café within the Lake Shore Boulevard West frontage of the subject Application for Outdoor Café at 3453 Lake Shore Boulevard West
property. The proposed patio café will occupy approximately 34 square metres of Municipal Boulevard, and requires removing and relocating one garbage container. (Attachments 1, 2, 3, 4 and 5)

COMMENTS

Toronto Municipal Code, Chapter 743, Use of Streets and Sidewalks, does not permit boulevard cafés to encroach in the public road allowances of the former Cities of Etobicoke, North York, Scarborough and the Borough of East York. In these locations, boulevard café encroachments can only be approved by Community Council. Outdoor café encroachments are permitted in the former Cities of Toronto and York by virtue of regulations existing before amalgamation and that remain in effect.

Staff circulated the proposal to the affected City agencies and Divisions and has received no objections to the subject application.

Should Etobicoke York Community Council find merit in this application, it could be approved subject to the following conditions:

1. The owner/operator shall enter into an encroachment agreement with the City of Toronto, to the satisfaction of the City Solicitor and pay all fees associated with the approval of this application.

2. The owner/operator shall pay all annual fees and renewal fees (subject to change) plus HST, for the Boulevard Café.

3. The signed agreement to be returned to the City of Toronto along with the required Certificate of Insurance and related coverage as required by the City.

4. The Certificate of Insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards Division or other Division as determined by the City of Toronto.

5. The owner/operator to ensure the outdoor boulevard café shall be licensed for seasonal use only between the period of May 1st and October 31st of each year, and the patio café furniture and associated fencing and street furniture shall be removed from the municipal boulevard at the end of each season.

6. The owner/operator shall operate the outdoor boulevard café only between the hours of 11:00 a.m. to 11:00 p.m.

7. The owner/operator shall 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 is allowed in the outdoor patio area.

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8. The owner/operator to comply at all times with regulations set out in the former Municipality of Metropolitan Toronto By-law 41-93, as amended.

9. The owner/operator shall remove/relocate any street furniture, waste containers and news vending boxes situated within the café area at their expense.

10. The owner/operator shall protect driver sight lines for vehicles backing out of the angled parking stalls immediately to the west of the café area. This requires that any fencing surrounding the patio shall consist of chain link or post and rail, or if a solid screen fence, it shall not exceed a height of 0.90 metres (~ 3 feet) measured from the travelled surface of the adjoining parking bay.

11. The owner/operator shall obtain from Business Licensing Services of Municipal Licensing and Standards an endorsement on their Business Licence to operate the outdoor patio café.

12. The owner/operator shall obtain the necessary permits from Transportation Service Division before starting construction on the café patio area and before commencing annual outdoor café operations.

13. The owner/operator shall satisfy these conditions at no cost to the City, and to the satisfaction of the Municipal Licensing and Standards and Transportation Service Divisions, at least 2 weeks prior to the operation of the subject patio café.

CONTACT

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SIGNATURE

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Eletta Purdy, District Manager

ATTACHMENTS

Attachment 1: Aeriel view of site
Attachment 2: Street view of proposed patio café area
Attachment 3: Plan of proposed boulevard patio café location
Attachment 4: Plan of proposed boulevard patio café set up
Attachment 5: Detail of proposed boulevard patio enclosure

Application for Outdoor Café at 3453 Lake Shore Boulevard West
Attachment 1: Aerial view of site

Attachment 2: Street view of proposed patio café area

Application for Outdoor Café at 3453 Lake Shore Boulevard West
Attachment 3: Plan of proposed boulevard patio café location

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Attachment 4: Plan of proposed boulevard patio café set up

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Attachment 5: Detail of proposed boulevard patio enclosure

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