

## **Boulevard Café Application 3317 Bloor Street West**

**Date:** May 23, 2017  
**To:** Etobicoke York Community Council  
**From:** Kimberley Kilburn, District Manager, Municipal Licensing & Standards  
**Wards:** Ward 5 - Etobicoke-Lakeshore

### **SUMMARY**

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This report for action is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for a new boulevard café permit at 3317 Bloor Street West.

### **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Etobicoke York Community Council approve the application in order to enter into a Legal Agreement for a Boulevard Café located at the property known municipally as 3317 Bloor Street West subject to the following conditions:

1. Comply at all times with regulation set out in the former Municipality of Metropolitan Toronto, By-Law 41-93, as amended or its successor by-laws;
2. That the City of Toronto business licence be maintained by the applicant and to include an endorsement for the "outside patio";
3. That the area of the boulevard café located on the City of Toronto right-of-way be no greater than 4.95 x 1.60 totalling 7.92 square metres within the Bloor Street West Road Allowance;
4. That the boulevard café license be renewable on an annual basis with the appropriate insurance in place and the licensee pay the appropriate annual leasing rate, established by the City of Toronto, City Council - fees are subject to change;
5. The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement, annually, in a form as approved by the City Solicitor in an amount not less than \$2,000,000 or such greater amount as the City Solicitor may require;

6. That no claims will be made against the City by the owner(s) for damages occurring to the boulevard area or its elements during snow removal;
7. In default of the removal of the patio furniture/equipment and all other installations not occurring as directed, the City may carry out the removal, at the expense of the licensee, and may recover the costs incurred by legal action or in a like manner as municipal taxes;
8. The applicant to operate the boulevard café in compliance with the requirements of Toronto Municipal Code, Chapter 591 Noise. Doors and windows are to remain closed to contain all music and sound. No outdoor speakers are permitted;
9. The Boulevard Café only to be licensed for seasonal use, between the date of May 1st to October 31st and the patio furniture/equipment and all other installations on the approved patio area to be removed from the municipal boulevard during November 1st to April 30th annually;
10. The licensee agrees that the City, or any gas, telephone, telegraph, electric light or other public utility company, shall have the right at all times to enter upon the permitted encroachment for the purpose of constructing, repairing, maintaining, replacing or removing any sewer, mains, culverts, drains, water pipes, pole wires or other underground services and installations. The licensee shall not be entitled to any damages or compensation by reason of the exercise of the City and utility company's rights; and the licensee, at his own expense, shall carry out such alterations or removal of the encroachment as may be directed by the City;
11. The licensee will, at his expense and to the satisfaction of the Executive Director of Municipal Licensing and Standards, keep and maintain the boulevard area and all or any of its components in a good and proper state of repair and safety, and will not make any additions or modifications beyond what is allowed pursuant to the terms of the License Permit;
12. That a street allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof, and contact made with any utilities affected by installations within the boulevard;
13. That the occupancy permitted by the license is to be removed by the owner or licensee, at the expense of the owner or licensee, within 30 days of receiving written notice from the Executive Director of Municipal Licensing and Standards Division;
14. Should the licensee perform any resurfacing work on the public road allowance in the future, a valid permit be obtained from Transportation Services and the licensee is to comply with any/all objections by the utilities to any proposed work affecting their underground equipment.
15. That the licensee will erect an enclosure within the approved café area of not more than 1.2m in height, secured using tap con screws, and not enclosing the gas riser;

## **FINANCIAL IMPACT**

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There is no financial impact anticipated resulting from the adoption of this report.

## **DECISION HISTORY**

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There is no decision history.

## **COMMENTS**

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The subject property is located in an Employment/Commercial Zone in the former City of Etobicoke, in front of business located at 3317 Bloor Street (Attachment # 1). An application to operate an outdoor boulevard Cafe was received on March 29, 2017 from the operator of the business operating as " Campo de' fiori Ristorante". The operation is an eating establishment that is located on the 1st level adjacent and attached to other commercial and retail operations with apartment style units located directly above on the 2nd level. This application was circulated to the Ward Councillor, Transportation Services, Fire Services, Public Health, Urban Forestry and the relevant utility companies;

The business operating as "Campo de' Fiori Ristorante" holds a current and valid City of Toronto business licence # B71-4709164 that expires on February 24, 2018. This license is in good standing for refreshments but the boulevard café will require an endorsement on this license once this application is approved.

The application is to permit use of a boulevard café that is located from the north wall of the main building to extend onto the public road allowance of Bloor Street West. The proposed café area is approximately 4.95 metres along the Bloor Street West road allowance and 1.60 metres in depth, for a total of approximately 7.92 square metres, subject to the above-referenced conditions (Attachments # 2).

As part of circulation and review of this application by the various utilities, internal and external stakeholders, the reporting agencies have indicated that they do not object to the proposed boulevard café. The conditions received by Bell Canada and Enbridge Gas Distribution appear as a condition of approval, noted in recommendation # 12 and 14.

## CONTACT

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## SIGNATURE

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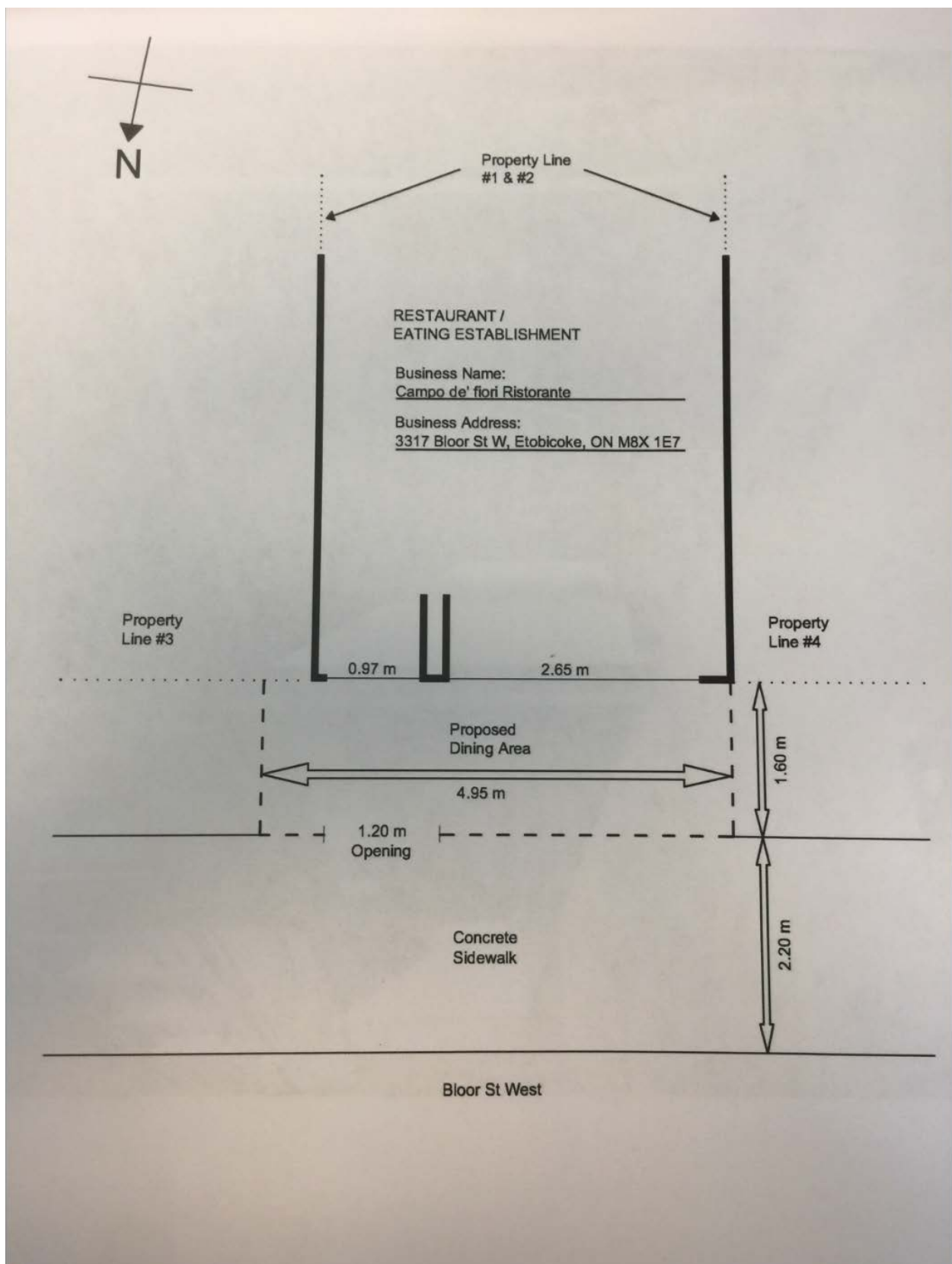
## ATTACHMENTS

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Attachment # 1 - Areal Map of 3317 Bloor Street West  
Attachment # 2 - Site Plan  
Attachment # 3 - Photo of 3317 Bloor Street West (Campo de' Fiori)



Attachment # 1 - Areal Map of 3317 Bloor Street West



Attachment # 2 - Site Plan





Attachment # 3 - Photo of 3317 Bloor Street West (Campo de' Fiori)