



## STAFF REPORT ACTION REQUIRED

### Refusal of an application for a curbside boulevard café permit located on the commercial frontage of 1311 St. Clair Avenue West

<b>Date:</b>	May 27, 2016
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Municipal Licensing & Standards
<b>Ward:</b>	Ward 17 – Davenport

### SUMMARY

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

To report on the refusal to issue a curbside boulevard café permit in the matter if an application located on the frontage of 1311 St. Clair Avenue West.

### RECOMMENDATIONS

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

1. Deny the application for the proposed curbside boulevard café on the frontage of 1311 St. Clair Avenue West.

### Financial Impact

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

### DECISION HISTORY

An application for a boulevard café on the commercial frontage of 1311 St. Clair Avenue West was received on April 26, 2016, from the business owner representing 1792129 Ontario Inc. operating as Tre Mari Bakery. The application submitted was seeking permission to establish a curbside boulevard café for 17.48 square metres, which would accommodate approximately 14 patrons. (**Appendix No. 1**)

The processing of boulevard café applications is governed by the criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks. The current criteria of the Code provides for the owner or occupant of a property, which may be lawfully used for industrial or commercial purposes and which abuts on a boulevard to operate on a property a licensed restaurant, take-out restaurant, refreshment establishment or lunch counter. Chapter 313, section-36 has no provision or criteria for curbside cafes.

Should the Toronto and East York Community Council proceed with the approval of the boulevard café located at curb side, Municipal Licensing and Standards recommends specific criteria as described below:

- (a) The fence shall be free standing and located on the perimeter of the licensed boulevard café area; The fence may be free-standing if its supports do not project beyond the limits of the curbside café, or the fence may be supported on removable plates anchored to the paved surface of the curbside café;
- (b) To protect driver sight lines, fences shall not exceed a height of 1 metre measured from the travelled surface of any adjoining road or driveway;
- (c) The fence must be located not less than 2 metres away from any fire hydrant;
- (d) Provide not less than 1 metre separation between the boulevard café for Pedestrian access from the curb;
- (e) No lights, fences or signs, etc be attached to City-owned trees;
- (f) Waste receptacles or work stations for servers should be located within the curbside café area;
- (g) Entrances to the curbside café area must always be open and unobstructed and have minimum width 1 metre;
- (h) No enclosures / structures permitted over the curbside café area;
- (i) No outdoor food preparations may be located within the curbside café area;
- (j) The curbside café located at 1311 St. Clair Avenue West be permitted only at curbside at a distance of 0.5 metres back of the curb;
- (k) Ensure that no outdoor carpeting, artificial turf, fence, or other material is affixed to any portion of the street;
- (l) Ensure that no propane-fuelled barbecue is located in the curbside café area.

- (m) Municipal Licensing and Standards monitor the curbside cafe operation during the 2016 café season and report back to the Toronto and East York Community Council prior to the start of the 2017 café season

## **CONTACT**

Pat Thornback  
Supervisor, Licensing Services  
Municipal Licensing & Standards  
Telephone: (416) 392-3128 Fax: (416) 338-7225  
E-mail:[pthornba@toronto.ca](mailto:pthornba@toronto.ca)

## **SIGNATURE**

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Annalisa Mignardi  
Director  
Business Licensing and Regulatory Services  
Municipal Licensing and Standards

## **APPENDICES**

1. Sketch of boulevard café
2. Photos of proposed café area