

## **Appeal of the denial of a boulevard café permit located at 604 King Street West, Unit 106, Portland Street flankage**

**Date:** October 27, 2016

**To:** Toronto and East York Community Council

**From:** Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Municipal Licensing & Standards

**Wards:** Ward 20 – Trinity - Spadina

### **SUMMARY**

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

To report on the refusal to issue a permit by Municipal Licensing and Standards for a boulevard café located at 604 King Street West, Unit 106, Portland Street flankage.

### **RECOMMENDATIONS**

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The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The application for the proposed boulevard café located at 604 King Street West, Unit 106, Portland Street flankage be denied.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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An application for a boulevard café on the Portland Street flankage of 604 King Street West, Unit 106, was received on April 28, 2016 from the business owner representing 2112047 Ontario Ltd. operating as Buca.

The application submitted was seeking permission to establish a boulevard café on the Portland Street flankage for 122.17 square metres which would accommodate approximately 118 patrons. (Appendix No. 1)

A site inspection conducted on May 24, 2016 revealed that the boulevard café area is located within 8.43 metres from a residential zone. The required clearance from a residential zone for cafes located on a residential flank is 25 metres.

On May 25, 2016, a refusal letter was sent to the business owner representing 2112047 Ontario Ltd., advising that the boulevard café permit application was denied due to the required 25 metres from a residential zone.

A letter dated May 26, 2016 was received by Municipal Licensing & Standards from the business owner representing 2112047 Ontario Ltd. to appeal the decision of the denial for a boulevard café permit on the Portland Street flankage.

## POLL RESULTS

The former City of Toronto Municipal Code Chapter 313-36B (4) also requires a public poll of owners and tenants within 120 metres of the proposed boulevard café on a residential flank.

A poll dated September 12, 2016 with the last date for filing a response being October 11, 2016 was conducted by the City Clerk's Office, Elections and Registry Services for 86-106A Portland Street, 101-115 Portland Street, and 582-606 King Street West to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that a majority of the ballots received were not in favour.

## COMMENTS

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As the proposed café flanks a residential zone, the former City of Toronto Municipal Code Chapter 313-36 F, requires that no part of the boulevard café is less than 25 metres from a residential zone and the application be refused. Furthermore, when there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll.

Accordingly, no further application for boulevard café privileges at this location can be accepted until October 11, 2018.

## **CONTACT**

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## **SIGNATURE**

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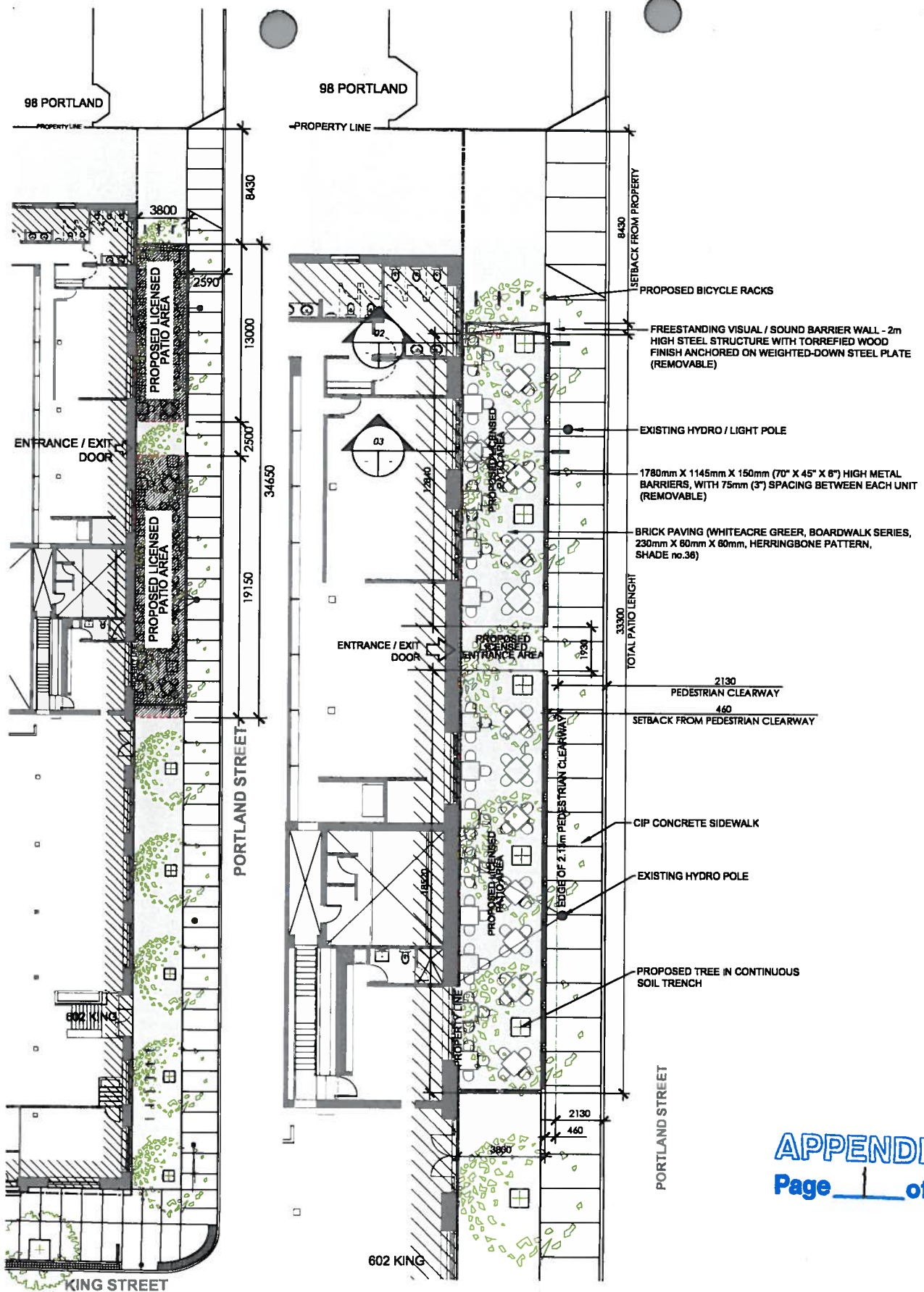
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Annalisa Mignardi  
Director  
Business Licensing and Regulatory Services  
Municipal Licensing and Standards

## **ATTACHMENTS**

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



APPENDIX 1  
 Page 1 of 1

01a PROPOSED PATIO ON PORTLAND STREET ROW - PLAN VIEW  
 1:250

01b PROPOSED PATIO ON PORTLAND STREET ROW - PLAN VIEW  
 1:150



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DRAWING TITLE  
**PORTLAND STREET PATIO SPACE COORDINATION**  
 PROJECT  
**602-620 KING STREET**  
 DRAWN BY  
 GEP  
 REVIEWED BY  
 CC

DRAWING REFERENCE  
 L101  
 SCALE  
 AS NOTED

ISSUED FOR  
**28-04-2016 - FOR COORDINATION**

CLIENT  
**ALLIED REIT**



