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

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

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

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

DECISION HISTORY

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

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

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

ATTACHMENTS

1. Sketch of boulevard café
2. Photos of proposed café area
PROPOSED BIKE RACKS

FREESTANDING VISUAL / SOUND BARRIER WALL - 2m HIGH STEEL STRUCTURE WITH TORREIFIED WOOD FINISH ANCHORED ON WEIGHTED DOWN STEEL RACK (REMOVABLE)

EXISTING HYDRO / LIGHT POLE

1780mm X 1145mm X 150mm (70" X 45" X 6") HIGH METAL BARRIERS, WITH 75mm (3") SPACING BETWEEN EACH UNIT (REMOVABLE)

BRICK PAVING (WHITEacre GREER, BOARDWALK SERIES, 230mm X 80mm X 60mm, HERRINGBONE PATTERN, SHADE no.38)

PROPOSED TREE IN CONTINUOUS SOIL TRENCH

CIP CONCRETE SIDEWALK

EXISTING HYDRO POLE

PROPOSED TREE IN CONTINUOUS SOIL TRENCH