TORONTO

REPORT FOR ACTION

Refusal of a boulevard café permit application located at 1312 St. Clair Avenue West, Nairn Avenue flankage

Date: June 14, 2018
To: Etobicoke York Community Council
From: Carleton Grant, Director, Policy & Strategic Support, Municipal Licensing & Standards
Wards: Ward 17 – Davenport

SUMMARY

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.

This is a report on the refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage.

RECOMMENDATIONS

The Director of Policy & Strategic Support, Municipal Licensing & Standards recommends that:

1. The application for the proposed boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

This is a new application for a boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage.

COMMENTS

A new application for a boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage was first received on July 7, 2017 from the business owner representing Arelsid Inc. operating as Belvedere Bar & Grill. The application submitted was seeking permission to establish a boulevard café on the Nairn Avenue flankage for 22.30 square metres which would accommodate approximately 15 patrons. (Appendix No. 1 and 2)

A site inspection conducted on June 6, 2018 revealed that the boulevard café area would only provide a pedestrian clearance of 0.9 metres from the café fence to the concrete bollard. The required pedestrian clearance as outlined in the former City of Toronto Municipal Code 313-36 is 2.13 metres from the curb or any street installation.

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the 2.13 metre clearance is required in order to provide a clear pathway for pedestrian's traffic.

In order to maintain the required 2.13 metre pedestrian clearway outlined in the former City of Toronto Municipal Code, Chapter 313 and the Vibrant Streets Document, Right of Way permits for the occupation of the sidewalk and or boulevard are reviewed when streetscape reconstruction, utility installations or a change of business ownership occurs to ensure that the permits continue to conform to the current regulations.

Council has approved the Vibrant Streets Document in order to create streetscapes where pedestrian traffic moves freely and unencumbered and to ensure that the placement of street furnishings, cafes and marketing areas and other features is better aligned to support pedestrian traffic.

The installation of a boulevard café at this location will make passage difficult for those with assisted mobility needs and reduce the pedestrian clearance requirement of 2.13 metres. The concept of a pedestrian clearway is not only to maintain the permitted distances but also to ensure pedestrian traffic moves freely and unencumbered.

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 café on a residential flank.

A poll was conducted on August 10, 2017 with the last date for filing a response being September 8, 2017 by the City Clerk's Office, Elections and Registry Services in English, Italian and Portuguese and included the premises between 7-49 Nairn Avenue, 3-50 Nairn Avenue and 1340 St. Clair Avenue West to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the number of the ballots received did not meet the minimum response rate. The provisions of Municipal Code Chapter 190 indicate that if the minimum response is not met, the application must be refused.

On September 14, 2017, a letter was sent to the business owner advising that the boulevard café permit application was denied due to the minimum response rate being met during the polling process.

On January 11, 2018 Municipal Licensing and Standards received a letter of appeal from the business owner representing Arelsid Inc. operating as Belvedere Bar & Grill.

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 September 8, 2019.

CONTACT

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SIGNATURE

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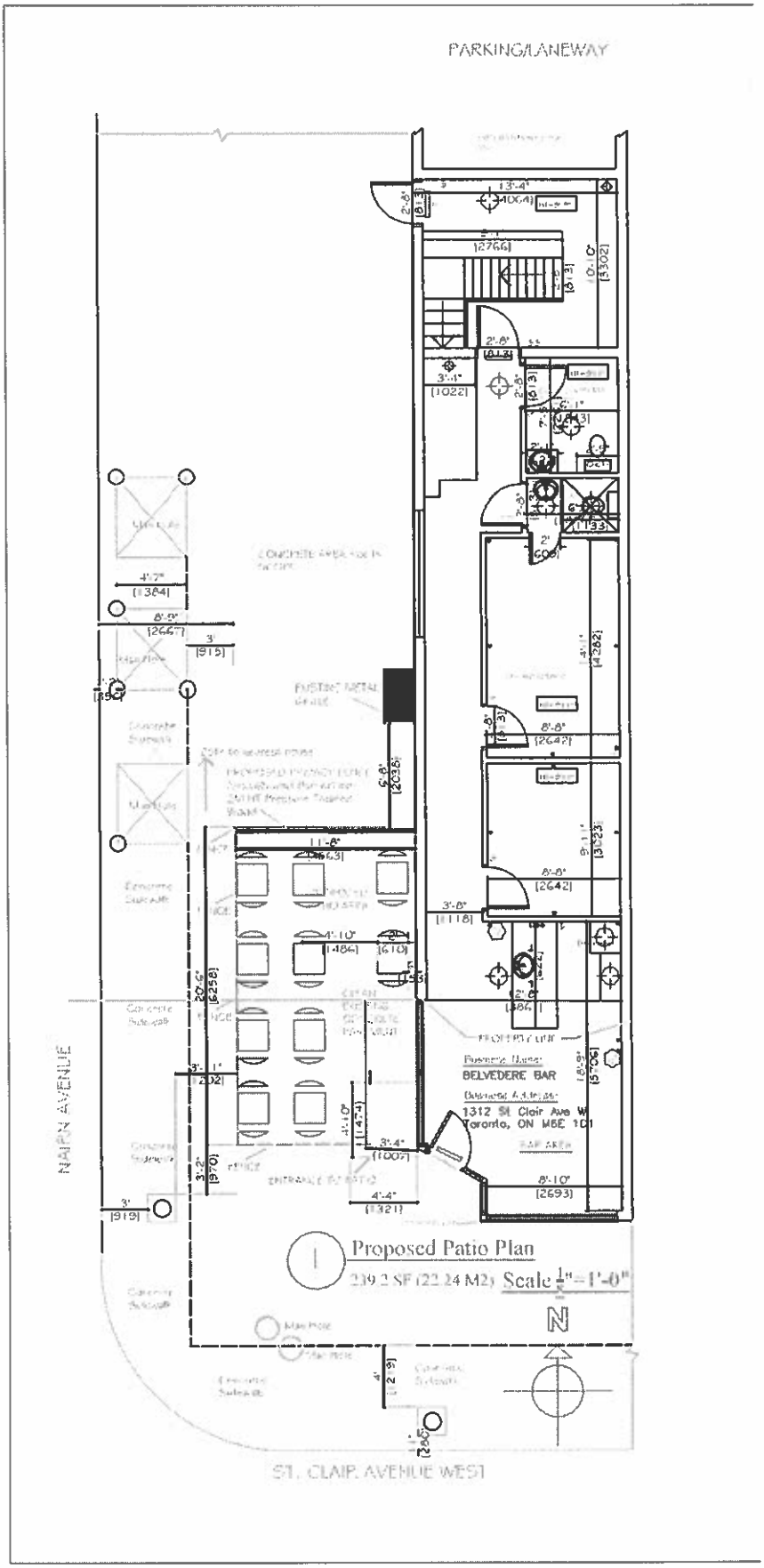
Carleton Grant
Director
Policy & Strategic Support
Municipal Licensing and Standards

ATTACHMENTS

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



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