

Refusal of a boulevard café permit application located at 1278 St. Clair Avenue West, Unit 1-2, Earlscourt Avenue flankage

Date: May 29, 2019

To: Toronto and East York Community Council

From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards

Wards: Ward 9 – Davenport

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 & Standards in the matter of an application for a boulevard café area located at 1278 St. Clair Avenue, Unit 1-2 West, Earlscourt Avenue 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 1278 St. Clair Avenue, Unit 1-2 West, Earlscourt 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 1278 St. Clair Avenue West, Unit 1-2, Earlscourt Avenue flankage.

COMMENTS

An application was received from the business owner representing 1980053 Ontario Inc. operating as Earlscourt BBQ on March 26, 2019. The application submitted was seeking permission to establish a boulevard café at 1278 St. Clair Avenue West Unit 1-2, Earlscourt Avenue flankage for 23.54 square metres which would accommodate approximately 18 patrons. (Appendix 1 and 2).

Upon receipt of an application, it is reviewed for compliance with the physical criteria of Chapter 313-36 of the Former City of Toronto Municipal Code.

The proposed boulevard cafe flanks a residential zone, and the former City of Toronto Municipal Code Chapter 313-36F requires that no part of the boulevard cafe is less than 25 metres from a residential zone.

A site inspection conducted on April 4, 2019 revealed that the boulevard cafe area is located within 17.50 metres from a residential zone and therefore it is recommended that the application be refused.

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 cafe on a residential flank.

A poll was conducted on April 23, 2019 in English, with the last date for filing a response being May 22, 2019 by the City Clerk's Office, Elections and Registry Services, and included the premises between 2 - 55 Earlscourt Avenue, 1278 St. Clair Avenue West and 1282 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 majority of the ballots received were in favour of the proposed boulevard café.

On April 8, 2019, a refusal letter was sent to the business owner advising that the boulevard cafe permit application does not have the required 25 metres from a residential zone.

A letter dated April 24, 2019 was received by Municipal Licensing & Standards from the business owner to appeal the decision of the denial for a boulevard cafe permit on the Earlscourt Avenue flankage.

The application submitted included a cedar wood fence sketch with cedar flower planters bolted down to be constructed along the perimeter of the proposed café area.

The former City of Toronto, Municipal Code Chapter 313-36G (1) provides specific criteria for the installation of a cafe fence within the public street allowance as follows:

- (a) The fence shall be located on the perimeter of the licensed boulevard café area and shall be constructed of materials such as metal railings and posts with or without fabric inserts, which enhance the light appearance of the fence and permit visual accessibility to the cafe;
- (b) To maximize visual access between the sidewalk and the café, the height of the railing of the fence shall not be less than nine-tenths (0.9) metre or more than one and two-tenths (1.2) metres;
- (c) The fence may be free-standing if its supports do not project beyond the limits of the boulevard cafe area, or the fence may be supported on removable plates anchored to the paved surface of the boulevard cafe area, as determined satisfactory by the Commissioner, but any post shall not penetrate below the surface grade and footings shall not be used;
- (d) The fence shall be easily removable.

The former City of Toronto, Municipal Code Chapter 313-36 which governs cafes within the public right of way, does not contain provisions for cedar flower planters within the café fence.

CONTACT

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SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
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ATTACHMENTS – 1278 ST. CLAIR AVENUE WEST, UNIT 1-2, EARLSCOURT AVENUE FLANKAGE

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