

Report on the operation of a boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage

Date: June 4, 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 café operation in the matter of a boulevard café area located at 1312 St. Clair Avenue West, Nairn Avenue flankage.

Recommendations

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

1. That the Toronto and East York Community Council consider the continuance of a boulevard café permit located at 1312 St. Clair Avenue West, Nairn Avenue flankage.

FINANCIAL IMPACT

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

DECISION HISTORY

At the meeting held of the Etobicoke York Community Council on July 4, 2018, including the Councillor for the area at the time, approved a boulevard café application from the business owner representing Arelsid Inc., operating as Belvedere Bar & Grill. The boulevard café licence was approved despite Municipal Licensing and Standards recommendation for refusal in a staff report dated June 14, 2018.

In his communications to City staff, the former Councillor highlighted that he erroneously supported the issuance of the boulevard café licence at this location because there was an oversight on the part of his office, whereby the petition did not get to him on time. As a result, he was unable to submit it on time to the City Clerk's Office. The former Councillor further highlighted that had the resident petition been forwarded to him on time, he would have voted against the boulevard café application.

At the meeting of the Toronto and East York Community held on January 15, 2019, The Ward Councillor requested Municipal Licensing & Standards staff to report back on the use of the boulevard café permit.

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)

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.

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 bollards installed on the sidewalk. 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 in English, Italian and Portuguese with the last date for filing a response being September 8, 2017 by the City Clerk's Office, Elections and Registry Services 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.

At the meeting of the Toronto and East York Community held on January 15, 2019, The Ward Councillor requested Municipal Licensing & Standards staff to report back on the use of the boulevard café permit.

Municipal Licensing & Standards on October 3, 2016, October 28, 2018 and May 2, 2019 received 3 noise complaints in relation to the business and café operation.

Municipal Licensing & Standards on July 12, 2017 received a complaint in regards to the use of the boulevard as café without a boulevard café permit. No other complaints have been received.

CONTACT

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SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS – 1312 ST. CLAIR AVENUE WEST, NAIRN AVENUE FLANKAGE

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